




# Backgrounds of Selective Service

VOLUME II • PART 1

# List of Parts

## MONOGRAPH 1, VOLUME II

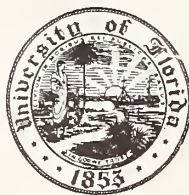
1. GENERAL INFORMATION.
2. Connecticut Enactments.
3. Delaware Enactments.
4. Georgia Enactments.
5. Maryland Enactments.
6. Massachusetts Enactments.
7. New Hampshire Enactments.
8. New Jersey Enactments.
9. New York Enactments.
10. North Carolina Enactments.
11. Pennsylvania Enactments.
12. Rhode Island Enactments.
13. South Carolina Enactments.
14. Virginia Enactments.



Digitized by the Internet Archive  
in 2015

<https://archive.org/details/backgroundsofse121unit>

UNIVERSITY  
OF FLORIDA  
LIBRARIES





U.S. Selective Service System

BACKGROUNDS OF SELECTIVE SERVICE

# Military Obligation: THE AMERICAN TRADITION

*A Compilation of the Enactments of Compulsion  
From the Earliest Settlements  
of the Original Thirteen Colonies in 1607  
Through the  
Articles of Confederation 1789*

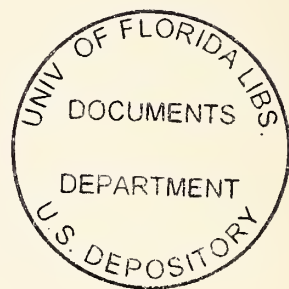
SPECIAL MONOGRAPH NO. 1

VOLUME II

PART 1. GENERAL INFORMATION

THE SELECTIVE SERVICE SYSTEM

1947



GOVERNMENT PRINTING OFFICE

WASHINGTON : 1947

---

FOR SALE BY THE SUPERINTENDENT OF DOCUMENTS, U. S. GOVERNMENT  
PRINTING OFFICE, WASHINGTON 25, D. C.

# Foreword

IN ADDITION to the general publication of periodic reports covering the operations of the Selective Service System, the Director of Selective Service is printing for limited distribution a series of 18 special monographs, each dealing with a major phase of the System's activities.

The periodic reports are four in number and their titles are—

*Selective Service in Peacetime* (September 16, 1940–December 7, 1941)

*Selective Service in Wartime* (December 7, 1941–December 5, 1942)

*Selective Service as the Tide of War Turns* (December 5, 1942–June 30, 1944)

*Selective Service and Victory* (June 30, 1944–December 31, 1945).

The 18 monographs on the other hand deal for the entire time of the System's operation with the following subjects, respectively:

Backgrounds	Special Groups
The Act	Conscientious Objection
Administration	Quotas, Calls, and Inductions
Registration	Reemployment
Classification and Induction	Law Enforcement
Industrial Deferment	Physical Examination
Agriculture Deferment	Special Problems
Dependency Deferment	Operation
Age	Evaluation

As the research necessary to the monograph on the "Backgrounds of Selective Service" has progressed, evidence has accumulated to support the fact of a strong American heritage for the United States in the universalness of military obligation among adult male citizens. This is particularly true in connection with the laws of the Thirteen Original Colonies. Here the evidence is voluminous, consistent, and sometimes startling, and seems all the more so in the light of the national ignorance toward this past.

It has therefore been thought of service to make facsimile presentations of these legal documents in the present volume which consists of a part on general information and 13 other parts, one for the enactments of compulsory military service in each of the colonies from the first white English settlement in 1607 through the Articles of Confederation, 1789. These data will serve as historical contributions to the contemporary issues of national defense, conscription, universal military training and the like.

LEWIS B. HERSHEY,  
*Director.*

## CLEARANCE COMMITTEE

BRIG. GEN CARLTON S. DARGUSCH, *Chairman*

COL. VICTOR J. O'KELLIHER

LT. COL. ARTHUR BOONE

COL. LEWIS F. KOSCH

LT. COL. IRVING HART

COL. WILLIAM HART

MR. KENNETH H. MCGILL

PREPARED AND COMPILED BY

LT. COL. ARTHUR VOLLMER

# Contents

INTRODUCTION . . . . .	Page I
GLOSSARY . . . . .	14
SUMMARY OF ENACTMENTS . . . . .	15
KEYS TO ENACTMENTS . . . . .	17
COLONIAL WAR-PEACE CHRONOLOGIES . . . . .	20
DIGEST OF ENACTMENTS . . . . .	34
BIBLIOGRAPHY . . . . .	70
APPENDIX I: THE COLONIAL MILITARY . . . . .	71
APPENDIX II: LIST OF UNITED STATES WARS . . . . .	92
APPENDIX III: HEARSAY—PRO AND CON . . . . .	94
APPENDIX IV: PERTINENT STATEMENTS OF RECENT DATE . . . . .	126
APPENDIX V: THE ATOMIC BOMB . . . . .	132



“ALL ABOVE 15 YEARES OF AGE SHALL BE COUNTED FOR  
SOLDIERS”

*1639. Springfield Rec. I. 165*  
*Dictionary of American English on Historical Principles*  
*XVIII p. 2173.*



“MARCH 4, 1646—THO: BLISSE FOR NOT TRAYNEING IS FYNED  
2s VI d”

*Coll, Connecticut Hist. Soc. Vol. XXII,*  
*Hartford, 1928, Book A.,*  
*First Book of the Records p. 45.*



# Introduction

[NOTE: The *Italics* throughout this series are the author's]

A MERE COMPILATION, such as this, of the laws that have compelled military training and service throughout the Nation's Colonial history might begin, in the time honored way, with their classification. Though this would develop distinctions, the one from the other, yet no real difference would emerge. The outstanding feature that appears in all of them is the pronouncement by government of the citizen's duty to serve.

## *History of Compulsion*

There have, in general, been many types of laws of compulsion.<sup>1</sup> Regarding these a chief distinction has been made between laws of Militia Conscription, which are plain and simple mandates to serve, and laws of Draft Conscription, under which the mandate is coupled with payment of a bounty for service, or with the right to engage a substitute. Even here, however, the weaker statutes of Draft Conscription contain the fiat: "Thou shalt serve!", as distinguished from a mere invitation to volunteer.

The present work is a compilation of colonial military authority by which the ancestors of the United States lived and survived, and through which they passed down precepts and examples of the compulsory military duty of the citizen to preserve the freedoms earned and bequeathed. This authority in turn had a heritage as evidenced by the historic words<sup>2</sup>: scutage, knight service, in capit , impressment, the fyrd, the hundred, the host, the assize, levee en masse, posse comitatus, Indelta, Landsturm, "the Ballot," the arriere ban, national legions, train bands, service instead of debtor's prison, service for bounties, service by substitutes, enforced draft, and militia conscription. All had one quality in common—the effort of a government to compel service, though the effort was often mixed with vitiating elements, crudely conceived and lamely executed.

<sup>1</sup> See distinctions made by F. M. Cutler in his "History of Military Conscription", and by J. Fairbanks in his "Conscription", both herein considered. <sup>2</sup> See glossary, post.

Then, in the infancy of the American Republic, this trustworthy procedure, which had proven its worth in long Anglo-Saxon service, was shunted aside<sup>3</sup> and there ensued a sorry season of a hundred years during which there was main reliance on another ancient method of uniformly disappointing reputation, Volunteer Enlistment.<sup>4</sup>

On occasion, wishful legislators, with more hope than trust, have tried to cross-breed compulsion with volunteering—only to produce a hybrid that proved both infertile and inutile.

## *The Colonial Enactments*

In this documentary compilation, however, it is not presumed to write history.<sup>5</sup> Rather, there is laid out here, for all who would know the facts, a legislative panorama of colonial days which should explain why statesmen who were not blind to experience, turned, in 1917 and again in 1940, to what has come to be known as Selective Service.

Again, since the inquiry is limited to what the statute law was, a presentation of the Statutes, (all of the statutes of which there is knowledge), would seem

<sup>3</sup> See *Opposition to Involuntary Military Service in the United States*, James Monaghan, Jr., M. A. thesis, 1918, University of Pennsylvania Library (378-748, POA 1918.3), a detailed historical survey, 54 pp.

<sup>4</sup> *A study of volunteer enlistments, Army of the United States (1775-1945)* Historical Section, Army War College, Sept. 1945, 36 pp., (Cols. C. C. Benson and H. Hossfeld, Maj. J. S. Jadwin and H. S. Newman, Capt. H. K. Burmeister and H. S. Ford, Mr. R. S. Thomas, Historian.); and *Physical Standards of the Armies of the World*, bound manuscript, with tables, on file at National Headquarters, Selective Service System, Washington D. C.

<sup>5</sup> In his letter of August 4, 1919 to the Chief of the War Department War Plans Division, Secretary of War Baker issued the directive, since followed, that the work on the official history of World War I should be limited to the collection and presentation of documentary records. "The War Department ought not to undertake the preparation, either by way of monograph or connected discourse, of a narrative history of the war."



to satisfy, and there is no need of more than that. But the final and compelling reason for adhering to a bare presentation of statutes, without comment or conclusion, is the controversial nature of the possible conclusions, and a determination to avoid any charge that they are foregone results, sprung from preconceived ideas.

### *Uses of the Present Compilation*

However, the *purpose, reason, justification, practical bearing* must be pointed out. That done, the reader is prepared to examine the data for himself and to draw his own conclusions. And so, to this end, a *Summary* classification of enactments with *Keys* to them is supplied, a *Digest* of enactments has been made, and the *Enactments*, themselves, each in its entirety, are presented.

The *purpose*, then, in this research, is to discover what, if any, compulsory military service laws had existed in the thirteen original colonies before the Constitution, and whether these laws were enacted and effective only during wartime, were enacted during peace to be used in war, or were actually for operation in peacetime.

The *reason* for embarking on the inquiry is not merely academic, but lay in the fact that, on more than one occasion in the history of this country, measures of compulsion have been defeated, or critically delayed, by the assertions of opponents that they were a departure from American tradition. Any such tradition must have had its roots within the thirteen British Colonies which combined to form the United States, and must have taken form by the time of the adoption of the Constitution. Obviously the tradition must be sought exclusively in the laws passed within the colonies by an Assembly, by a Governor and Council, or by a special Committee of Safety, or in the charters given by the British kings, and the other English laws in some way applicable to these territories.

*Justification* for the inquiry lies in the fact that it is important to examine for authenticity the sources of a tradition that is both asserted and denied for the purpose of influencing legislation which is vital to the national interest.

These evidences have immediate *practical importance* to the question of Universal Military Training now under consideration in the Congress of the United States. This importance exists even though the evidence reveals no preconstitutional systems, valuable as models. It exists because, invariably, the

opponents of such measures assert that there was no compulsion before the Constitution, at least not as a peacetime measure; and here is abundant disproof of these assertions. Even now, as reported out of the June 6, 1945, session of hearings before the House Select Committee on Postwar Military Policy, from six witnesses in one day, in opposition to peacetime military training in this country, came the chorus that "our whole American tradition is against conscription." (See Appendix III, post.)

But a legion of more than 600 mutely eloquent but forgotten enactments of Colonial law constitutes a contradictory chorus. (See Parts II to XIV, inclusive of this series.)

### *Obligation in War and Peace*

To labor the point once more, it would seem, in the light of the tremendously effective job done under the Selective Service Act, in obliging citizens to serve in World War II, that never again would the false contention be advanced that compulsion is a departure from the traditional procedures of the nation or from the spirit of American institutions. But national memory is notoriously short, and especially so in emergencies.

But alarmists over compulsion maneuver to a finer standpoint. It is compulsion in peacetime to which they say they object. It is this they say was never embraced before 1940. Of course, having now embraced it successfully in 1940, and without the disasters they foresaw, it would seem they have been robbed of all argument. But just as financial charlatans flower in all depression crises, so pacifists will be on hand in any threat to defense, or preparedness for it. It is therefore pertinent and practical to present the very acts of early history which speak in pent-up contradiction to any and every contention that compulsion is a departure from tradition. And it must be noted that many of these early acts were passed during periods of peace, and that training was required during such periods. For that matter, whether these periods be short or long, it is the unhappy history of men that armed conflict appears periodically. So, the distinction cannot be taken that on Colonial frontiers there were persistent conditions of emergency against the Indians or rival colonists, whereas now a peacetime force under compulsory training is unnecessary and constitutes a threat to political institutions. The Indian and the rival colonist has his menacing potential counterpart

today, and the fiercer face of modern war requires more intense, longer, and more varied training in peacetime than once would suffice.

As a contribution to national strength this presentation is neither an ocean, a foxhole, nor a task force; neither an Atlantic or United Nations Charter, National Defense Act, Potsdam Declaration, Foreign Ministers' Conclave, Indictment of Major War Criminals, nor Policy of Occupation. Nor is it a system either of Universal Military Training, of National Service, or of *Selective Service*. It is merely a plank for the temporary scaffolding necessary to rear the citadel of timely recognition of military obligation into a permanent part of the edifice calculated to deter aggressors. But it is a plank never fashioned before, a construction member which was not at hand when previous efforts to build this central "keep" of national safety were under way. Opponents denied that it could be produced and, partly for lack of it, the building went dangerously slow.

At one crucial juncture after another down this country's history, whenever the need for raising armies arose, there came strident but unrealistic doctrinaires contending that the traditional American system of doing this was by volunteers, that compulsory service would be an unholy departure from such tradition. And much of the literature that touched the subject gave these opponents aid and comfort, for no incontrovertible publicized challenge appeared to oft-repeated assertions that compulsory methods had not been employed before the formation of the Union.

True, there had been formal recognition by the highest authority in the land of the existence of 200 Colonial statutes of compulsion (*Selective Draft Cases*, 245 U. S. 480, etc., Oct. term, 1917, United States Supreme Court—January 1918, Opinion by Chief Justice White)—a finding necessary to that unanimous decision, and the brief for the Government in that case provided the references. But there had been no presentation of the enactments themselves, and the point made, being historical and not legal, did not get into the digests. So, the references in the brief remained in complete oblivion. Again, partial refutation of the myth that tradition opposed compulsion had been disclosed in a five-volume typescript work of 1914, entitled: "*Digest relating to compulsory military training . . . , etc., in the United States (1630-1915)*" by Horace G. Pierson, Army War College, comprising extracts from some of the statutes from Connecticut, Plymouth, and Massachusetts Bay only. But the lone author card

that reposed in the library catalog of that institution was not an effective notice that, on the highest shelf of the uppermost stack on the topmost floor, there slumbered, in a blanket of dust, this partial refutation of the tradition claims of the opponents of effective preparedness legislation.

Forgotten in their hiding places, these two items of support for the tradition of compulsion, however fragmentary and merely indicative they were, were not marshalled into the legislative battle of 1940, and the opposition, partially in consequence of this lack, delayed the outcome for a dangerous three months. As for the emergency consideration of 1917 (April 2-May 18) the Supreme Court decision had not yet been rendered, and there is no indication that the Pierson Digest was presented. Here, too, 1½ months elapsed.

### *English Backgrounds*

Before, and in addition to, Colonial enactments, though we find no tenures laid down by the British kings in the charters (such as knight's service, service in capit  , or scutage)<sup>6</sup> which betoken compulsory military service to the king, and only the agricultural "socage" tenure is laid down; yet, invariably, in the same charters, explicit mandates to compel service are pronounced and the grantees are given authority to enforce them. These explicit mandates are found, too, in the successive Instructions to the Governors. Again, in statutes passed in England and by American law-making bodies, the British statutes requiring such service are made effective in the Colonies, and the recognitions by courts of the application of English law included them. Inevitably English law in one form or another enters the picture in one of two ways—either as outright legislation for the Colonies (Duke of Yorke's laws in Pennsylvania) or as a recognized heritage (as compiled, for instance, in "*A Collection of the Statutes of the Parliament of England in Force in the State of North Carolina*," Francis X. Martin, 1742). In legislating military obligation, whether in England or in the Colonies, the general statement of Sir James Palgrave obtained with universal accuracy: "By far the greatest portions of the written or statute laws of England consist of the declaration, the reassertion, repetition, or reenactment of some older law or laws, either customary or written, with additions or modifications. The new

---

<sup>6</sup> Military tenures were abolished in England in 1660.



building has been raised upon the old groundwork: the institutions of one age have always been modeled and formed from those of the preceding, and their lineal descent has never been interrupted or disturbed." (English Commonwealth, 1, 6.)

Colonial government and institutions were to some extent autonomous, but were essentially *ab extra*, not *ab intra*. In Rhode Island and Providence Plantations, for example, as Sidney S. Rider says in his *Bibliographical and Historical Introduction to the Digest of Rhode Island Colonial Laws of 1719* when discussing the great fundamental laws of the Colony: "In considering the nature of these Digests, it must not be forgotten that they represent only to a small extent the laws governing the Colony. The statutes of England were the real laws here from the beginning until 1744; from that time only certain of the statutes of England were in force."

### *American Beginnings*

Finally, emanating from their own legislatures and consent, compulsory statutes are found in abundance from every one of the Thirteen Colonies, and before them, in their component settlements. These appear over a period of 160 years, from the earliest convocations in Virginia in the 1620's, to the last pronouncements before the Constitution, and after. We find consistent enactment that covers long periods with a legal requirement of compulsory service, statutes reenacted in the same or similar language, or a succession of bare reenactment clauses. The latter have not all been included here, as tending unduly to swell the manuscript. Sometimes notes showing the years in which enactments occurred, constituting part or all of a given statute, appear in the margins of acts found in certain compilations here displayed.

Compulsory acts were passed in emergency, similar acts passed in peacetime to be put into effect in wartime, and acts requiring military training in peacetime when hostilities threatened and when hostilities did not threaten. Besides, even before we examine what the tradition was, why let go unchallenged that crowning false assertion of principle, that it is as a measure to be put into effect in peacetime that compulsion is unwise? The Colonists were more realistic. Even these cold statutes breathe gratefulness over the coming of peace; yet, in the same breath, they project compulsory peacetime training. For example, on May 27, 1652, in the Massachusetts Bay Colony, in

time of peace, when there had been no hostilities since the Pequot War of 1633-1637 (15 years before), and would be none until King Philip's War of 1675 (23 years later), and the Colonists said they looked forward gratefully to a time of peace, yet a General Court of Election, at Boston, stating "whereas time of peace gives liberty thereunto," ordered an organizing of foot companies for preparedness (Item No. 556, Mass. (Bay)). If that was habit born of the earlier frequency of hostilities, of the shortness of the quiet intervals, then indeed that salutary consciousness was lost in the security of the Constitution, along with national memory of what the tradition was. There were, between wars, periods comparable in length to that of 1918 to 1939, yet the Colonists did not slumber through them.

In the earliest enactments of the Colonies, the pertinent provisions would go unnoticed by sticklers for form who insist on finding elaborate words of mandate, lotteries, or nicer elaborations of selection. Primitive legislative machinery, economic and social necessities, did not produce this. Yet the order of the governing body voicing the popular will was at least just as definite in intention, just as widely accepted, just as effective. They did not even say, "Thou art a soldier." They said: "Each man shall have a gun, powder, and ball in his possession, and shall carry that gun to church and to the fields." From these definite germs can be traced more and more considerate legislation, which endured effectively over long periods, as can be seen as the statutes are examined.

### *It Is Ordered Within These Libertyes*

In September 1642 the General Court of Connecticut ordered that "Within these Libertyes" an exact list of all TRAYNE men from 16 yeares to 60 be given in to the committee who have power to levy. This is but one example of constant emergency which harassed American Colonials. Whether in peace or war, the menace of Indians and rival colonists was constant, not even waiting upon a declaration of hostilities. Necessity could not brook the luxury of a militia system, with membership voluntary. The glad price of these precious "libertyes" was the unquestioned order to serve, and Connecticut reserved this privilege to the white Colonist. To suffer an order and to enjoy a place of liberty were understood to go together. Some doctrinaires now seek to argue that until 1940 the American people had never adopted conscription

in peacetime, thereby then departing from the allegedly profitable American tradition of dependence upon the volunteer. They ignore the fact that, during the interim between 1792, when the militia act was adopted, and 1940, when the Selective Service Act was passed as a peacetime measure, the military fortunes of our country prospered not because of volunteering, but in spite of it. Though we indulged ourselves in the expensive luxury of unpreparedness and lived as a nation, many of our sons died as a direct result of this indulgence. Not until 1940, however, was there an emergency as dire as the early Colonists suffered through. In that early time their relative weakness betokened constant grave danger and forced compulsory training in peacetime; now, in 1940, there had developed a world environment of moral atrophy and technical hypertrophy which produced dangers, to protect against which men must be trained in peacetime.

In the later Colonial period just before the revolution nine of the colonies begin to place their reliance on statutes inviting volunteers. Whether this springs from a feeling of greater security, greater indulgence in a more developed civilization, a falling away of the Spartan ideals, is not manifest. Invariably these statutes are ineffective, and, when necessity drives, are followed hard by compulsory enactments. But their vogue serves to make men forget the earlier effective practice, and this plays its part in constitutional structure and subsequent Federal statutes, as well as in the forgetting of the tradition.

A complacent national feeling of false security followed close on the successful termination of the War of Independence. The tyro republic almost immediately began to jeopardize its security by perverting its realistic Colonial experiences with indulgent measures of volunteering, bounties, and substitutes, culminating in the notorious Militia Act of 1792. Then, as has so often been the case with other precedents, the perversion was not only inferior but became universally accepted as the original.

Fortunately, the compulsion tradition depends upon ascertainable facts and not upon the evaluation of one system as against another. The true picture can be displayed. Moreover, in passing, the demonstration, already made by Upton, Huidekoper, Bond, Palmer, Spaulding, and others,<sup>7</sup> of the greater effectiveness of compulsion and the forces raised there-

by, lent zest to a quest that has turned up bountiful examples. So, here stand, marshalled in silent forgotten array, from every Colony of the seaboard, these best evidences of what was born of the first duress of danger on our soil.

### *The American Approach*

Our Colonial settlements were small-scale laboratories, proving grounds where necessity wrought an adequate solution, and developed an American tradition. Harsh environment, Indians, raids by rival colonists, repercussions of European Wars, or persecutions by the government of the Mother Country, were the order of the day. To the Colonist, or to the 1940 American, the alternative to the adequacy of compulsion was not the exchange of a greater for a lesser good, as in 1776, 1812, or 1860, but the disappearance of the very civilization itself. In the periods of peace between hostilities the Colonists could not and did not afford to relinquish the sure bulwark of compulsion. Nor did they conceive military duty as a duty of duress by the government. In the earlier periods the very phraseology of the enactments speaks eloquently that this duty was a matter of course. It was not recognized as a fiat of government to be distinguished from an invitation to volunteer; it was of the very substance of government itself. It was by their ready and active employment of arms that they gained and kept their freedom, including its institution of government. This service was of the very nature of membership in the community, a natural and unquestioned incident of citizenship.

Woodrow Wilson said the effect of the Selective Draft Act of 1917 was a drafting of volunteers. "It is not a conscription of the unwilling but selection from a nation that has volunteered en masse." So, in the Colonies, it can be said that the individual's impulsion was voluntary. In fact, in this situation, volunteering and compulsion merge indistinguishably, yet the pronouncements of government were unmistakably couched in words of mandate, and are easily distinguishable from the later statutory calls for volunteers. Whether the words were "shall be listed", "shall not remain unlisted", or "males from 16 to 60 shall constitute the militia", or "the officers hereby commissioned shall be empowered to raise", the

<sup>7</sup> Emory Upton, *"The Military Policy of the United States"*; Frederic L. Huidekoper, *"The Military Unpreparedness of the United States"*; John McCa. Palmer, *"America in Arms"*; Oliver

L. Spaulding, *"The United States Army in Peace and War"*; P. S. Bond, *"Our Military Policy."* And see also: *"A Study of Volunteer Enlistments, Army of the United States (1775-1945)," supra.*



words in themselves are sufficient evidence that they are the mandate of obligation. Moreover, these words are supplemented by penalties, in the same or subsequent acts, that leave no remaining doubt that this is peremptory, not permissive.

In those days there arose no fine distinctions, later indulged in, between compulsion in peace and that in war. There were no misgivings as to the wisdom of preparing in peace for the emergency of war. The old bogie of danger to political institutions of a standing army, borrowed by Pacifists from the experience of ancient Rome, did not obtain, except when such a force was foisted upon them by the mother country, to which the Colonists had begun to feel alien. Never were their own peacetime establishments impugned. Nor was there question raised, as under the later restrictions of enumerated constitutional powers, of the legality in peacetime of what was explicitly legal in time of war. When necessity stalked the land no inexpedient misgivings born of History or of Law could show their heads. The Colonist was in complete accord with the principle of Lincoln's answer to the Governor of Minnesota, who had questioned the legality of the Civil War draft: "Necessity knows no law." And so today, the technological and ideational plexus of the world still compels, as did the redskin-infested forests surrounding the early settlers, a citizenwide obligatory preparedness in time of peace, until that peace shall have been so perfected by controls of proven effectiveness that the menace is no more.

It is not within the scope of this study to do more than present the laws of the Thirteen Colonies whose institutions constitute the heritage that is called American tradition. This heritage was formed within the limits of a certain time (1607-1787) in a certain area, the Eastern seaboard, and under the sponsorship of a certain government and people, the English. It was the dominance of this race within this time and space that formed the traditions, models for the later Federal policy. Other races,<sup>8</sup> times, and places have not only made prodigious contributions in America, but have furnished or undertaken to furnish to the Federal establishment models<sup>9</sup> of the very military

aspect herein considered. Nevertheless they do not participate in this tradition, which had its own models.<sup>10</sup>

### *Other Comparisons*

If it were merely to settle an academic controversy in the field of American history over the voluntary or compulsory nature of military service within the pre-Constitution British Colonies in North America, then extensive search and collection by a government agency, operating outside such field, would not be justified. However, opponents of compulsion nimbly shift their position from opposition to compulsion in wartime to opposition to compulsion as a peacetime measure, and finally to opposition to it in peacetime when hostilities do not threaten; whereas, their true position is opposition to the principle of compulsion. This position they abandon only temporarily in the face of dire national peril. But their pacifism re-asserts itself just as soon as the peril eases and it seems safe to expose their true colors. Then, having distorted American history by their assertions that compulsion is revolting to American tradition, at least as a peacetime measure, they now distort world history by raising in their support the supposed endangerment to political institutions of any force maintained in peacetime. These arguments they pretend to prove by reference to instances in the history of Rome and of England when idle and disproportionate military establishments were a real danger. But these very instances also teach that national circumstances alter cases—that the nature of the people, the spirit, the laws, the atmosphere, the physical environment, even the nature of the military as well as the political institutions themselves, produce different results according to time and place.

Some will assert that the "trainbands" were not ordinarily used in war, that the force used against the French and Indians in the eighteenth century was an independent and entirely different establishment and, along with the "minute men," was outside the trainband system. They will contend that no argument based on the old trainband system could

---

<sup>8</sup> The Spanish influence in California, for example. Incidentally the later military legislation in that State has been compiled by a WPA project, and a list of statutes, 1850-1919, is furnished by the California State Library, Sacramento.

<sup>9</sup> From German origin, the military system proposed to Washington by Von Steuben in 1784. Contemporary pamphlet copy in Library of Congress. And see Chapter VII of

---

*Washington, Lincoln, Wilson—Three War Statesmen* by Gen. John McAuley Palmer, and his *General Von Steuben*, p. 321 et seq.

<sup>10</sup> It is for this reason that the study does not include the laws of other than the English peoples who once as, for example, the Swedes and Dutch in Delaware, held jurisdiction in this area, though recognized are the intangible extra-legal effects.

legitimately be used to bolster peacetime compulsory military service, and that the latter is akin to the standing armies, which all Colonials, and contemporary Englishmen alike, believed to be the greatest menace to civil liberty. In answer it is submitted: (1) The standing armies which the Colonists repudiated were those forced on them from abroad by a British king, without their consent, and whose cavalier professionals were contemptuous of their Colonial social and political institutions—the *King's armies*, as distinguished from permanent establishments, of one kind or another, which the Colonists themselves created in war and in peace. (See Louis W. Stotesbury and President Harold Willis Dodds of Princeton University on this, Appendix III, post.) (2) The purpose here has not been to bolster universal military training in peacetime by examination of what the trainbands did, but, after inquiry led to conviction, it has been to refute one argument of the opposition by showing that the American Colonies enacted compulsory service in peacetime, as well as in wartime. (3) Though the existence, the utility, and the operations of any particular Colonial organizations including trainbands, is outside the strict purposes of this inquiry regarding the legislative fiat of government, nevertheless there have been here included at least two authorities who show that the trainbands were used by the Colonists as protection against the Indians (see excerpts from Mead and Osgood herein). Moreover, the trainband must not be misconceived as the crux of the matter of Colonial legislative compulsion. That was the name of but one of a number of organizations which obtained, in statute or in fact, in one or another of the Colonies, at one time or another—some voluntary, some compulsory, some progenitors and others successors. The controversy cannot be narrowed to the trainband nor to its function.

But there is better evidence than the secondary source material of Mead, Osgood, and others herein quoted, on the score of the existence and functions performed by compelled troops such as trainbands in all Colonies at all periods. That evidence is the “best evidence,” the “internal evidence,” of the statutes, orders, instructions, charters, etc., herein presented in compilation, as they arise one from the other and complement each other. Their examination by an unprejudiced mind can result in but one conclusion, that of the affirmation of this monograph. And statute evidence has been recognized as of more value than an historian’s opinion, in the absence of contemporary chronicles by individuals.

The “internal evidence” of the statutes, especially the “whereas clauses,” does, indeed, suffice by itself to illuminate what the situation was in fact, over and above the theory that their directory provisions constitute. And it must, perforce, so suffice in order to hold the inquiry within bounds and to its subject, hence, except for a few fragments, there is here no presentation of legislative journals, or other contemporary collaterals.

### *The Indian Danger*

The opinion as given by a State authority for one Colony that war of some kind, or threat thereof, existed from the beginning throughout its Colonial history, has been taken as making impossible any showing that compulsion was enacted by the colony in any period of approximate peace or of profound peace i. e., during a time when no hostilities threatened. If such opinion is borne out by the record of that Colony, the record is no more damaging to the assertion of peacetime compulsion tradition for that Colony alone than it is helpful to the assertion of peacetime volunteer tradition. Be that as it may, Indian forays did not approach the constancy of guerrilla warfare, and lessened measurably in the later periods.

It will be argued that, even in those intervals between Indian incursions, there were constant Colonial apprehensions which amounted to a continuous threat of hostilities, so that no recourse to compulsion could ever have been taken in a time of profound peace. From this premise it will be contended that Colonial history offers no precedent for recourse today to peacetime compulsion. Those who reason thus forget that the realism, the self-discipline, and the less distracted longer-lived memory of the Colonists rendered them more sensitive to danger than their progeny, though not more sensitive, alas, than subsequent history proves their progeny should have been. For regularly recurring major wars make it plain that peace is a will-o'-the-wisp and that profound peace is “a consummation devoutly to be wished,” that, and little more, in this twentieth century of our Christian civilization. If a pre-World War II revival of sensitivity to danger brought about enactment of the Selective Training and Service Act in 1940, the ever-threatening post-war world of today abounds in stimuli for a realization that this is still no era of peace, and reminds that recourse to compulsion is as much indicated in this day as it was in the day of the



Colonists. In a word, there is no more profound peace now than then; the difference but lies in an adequate apprehension of danger; there is no less reason now than then to resort to compulsory preparedness.

In the *Colonial War-Peace Chronologies* of this volume, Indian troubles were not only listed when they had attained the dignity of a name, or when they had caused legislation. It was desired to err on the side of liberality, so as to assure maximum fairness, for these chronologies, in the juxtaposition of peace periods to compulsion enactments. Whenever such troubles were reported by the archivists and historians of any of the 13 original States specifically by years, they have been noted on the chronologies.

Names of wars have been another problem. As the New York Times editorial of September 23, 1945, entitled "Naming the War", said: "No war in history has ever acquired a really definitive name or one which fitted it accurately into the vast frame of historical reference. . . . History may do no better than we ourselves have done." As a supplement to the *Chronologies of Colonial Wars*, a List of *United States* wars is included as Appendix II.

### *The Colonial Military*

Volume 1 (1907) of the *Journal of American History*, pages 120-128, by Spencer P. Mead, LL.D., of the New York Bar, with the main title, "The First American Soldiers" and the illuminating subtitle, "Call To Arms," is a refreshing, short, but detailed recognition of compulsion in the Colonies which begins with the arrival of the first white men in the New World: Footmen with Musket and Pike—Horsemen with Pistol and Carbine—Military Force Blazed Path for Civilization—The First "Trained Bands", and the organization of the Continental Army. This article is included in its entirety, post, as one of two on the Colonial militia in Appendix I.<sup>11</sup>

<sup>11</sup> Attention is also invited to the article entitled "Equipment For the Militia of the Middle States, 1775-1781" by Hugh Jameson, *The Journal of the American Military Institute*, Vol. III, No. 1, Spring 1939, Washington, D. C., pp. 26-38 which shows the low pass to which the militia had come, but recognizes it as it existed at that time namely as: "the local defensive force of each individual State, theoretically composed of the entire adult male population . . . a force . . . which . . . could be mobilized rapidly in any emergency . . . they retained their identity as militia (though serving in the Continental Army) . . . every adult male . . . (was) supposed to have in his possession a full complement

The most extensive treatment of the "Colonial System of Defense" that has been encountered is Chapter XIII of Volume I, *The American Colonies in the Seventeenth Century*, by Herbert L. Osgood, Professor of History in Columbia University, N. Y., Macmillan, 1904. It is included in its entirety under "Colonial Military," Appendix I, post, as a quick but invaluable orientation in the subject matter.

Although military policy springs from the will of the government in power, from the institutions of the governing nation and from the spirit of its people, yet it is perhaps affected to some degree by the policy of a predecessor nation-in-power, whose nationals continue as inhabitants under the new regime. The intangible unrecorded ways of the people, their habitudes, the precedents they transmit, do have their effect. Cultures other than the English preceded English settlement in certain of the Colonies, and there pioneered the tradition of compulsion by establishing their own laws of citizen liability. These other-than-English Colonists made their contributions to the truly American tradition of military service by compulsion. This occurred, for example, in Delaware, where a continuity of professional soldiers, militia, compulsion, volunteers, recruiting, and military training in peacetime persisted through the Swedish period (1638-55), the Dutch period (1655-64) and the English period (1664-1776).<sup>12</sup>

Due to the Quaker influence,<sup>13</sup> Pennsylvania was

of arms and equipment. Colonial militia laws were precise and detailed on this subject . . . ." This article also bears out how little has been done in researching the militia of the colonies and how little attention has been paid to the laws creating these bodies.

<sup>12</sup> See the clear and interesting "Colonial Military Organization in Delaware 1638-1776," by Leon de Valinger, Jr., State Archivist, published by Delaware Tercentenary Commission, Wilmington, Del., 1938, pamph., 57 pp.

<sup>13</sup> In the "Relations Between the Pennsylvania Germans and the British Authorities (1750-1776)" by Arthur D. Graeff, 1939, Norristown, Pa., it is pointed out that: "Governor Thomas and his Quaker Assembly were always at loggerheads." The requirements which King George's war placed upon the English Colonies were not met by the Quaker legislators of Pennsylvania. The Governor repeatedly urged the Quakers to furnish money to defend the Colony; but his appeals were ignored by the Assembly (Pennsylvania Colonial Records IV, p. 442). On the other hand "Chester County Quakers During the Revolution," by Gilbert Cope, in *Proceedings Chester County Historical Society* 11th Mo. 20, 1902, gives a long list of members of the Society of Friends in Pennsylvania who violated their discipline by taking up arms, and were disowned, indicating that at least 90 percent secretly favored independence.



especially interesting to investigate, the impression having been received from a call in person on some of the authorities in that Commonwealth that no compulsory enactments existed. Eight of Class 1 (Nos. 574, 131, 138, 132, 142, 145, 129, 127) are listed in the *Summary*, and the *Pennsylvania Chronology* shows that the last two mentioned were enacted in peacetime (1671 and 1676). True, these were Duke of Yorke's laws. However, so far as known, they were not abrogated by decision nor repealed by assembly, and, as the fiat of constituted government, they must be taken to have endured in peacetime after 1671 and 1676 through to Queen Anne's War in 1702, since no time limit was set upon them. The Supreme Court of Pennsylvania (see last item under that Colony, No. 580 in *Compilation, Part 11*, and *Digest*), in 1864, in the case of Kneidler versus Lane, 45 P. St. Repts., vol. 9, p. 238, judicially recognized that the duty of the citizen to serve was the written law of Colonial Pennsylvania, with penalties, citing first Constitution, acts of 1776 and 1777, and Assembly bill of 1756 (last named not included herein).

In what may be General von Steuben's earliest memorandum (undated) on his plan for a citizen—soldieri for the United States (Box I, von Steuben papers, New York Historical Society, N. Y. C.)—essentially the same plan that Washington transmitted to Congress by letter from Newburgh, dated May 2, 1783, to Alexander Hamilton, chairman of the committee—he mentions Pennsylvania as follows: "Pennsylvania, it is said, enrolls about 60,000 men By their Militia Law . . . and I suppose that in the article of expence it does not differ widely from those of the other States these men are obliged to assemble six times in the year at some given place of rendezvous . . . each delinquent pays 10/ per day for non-attendance . . . I would therefore propose that seven additional Legions be formed from the whole Militia force of the United States, to these I would give the name of *established Militia*, their parts and construction to be exactly the same as the *Continental Legion*."

There is no royal road to an understanding of the meaning of the statutes here compiled. *Digest*, *Summary*, and *Chronologies*, have been wrought to spare the reader the effort of their examination, and to convey the message clearly, yet all of these are but inadequate devices in comparison with the instruments. And it is especially by reading the statutes, one in connection with the other, that conviction comes that here was compulsory enactment in, and in force throughout, all periods of peace and war,

whereby military establishments, for training in wartimes and in peacetimes, were created, and which operated as intended. Not only the penalties prescribed, but records of fines administered, punishments inflicted, elaborate enforcements, reports on manpower, appointments and commissions, appropriations, as well as the internal evidence of successive statutes, especially the "whereas" clauses, bear this out. A prima facie case will be quickly perceived if attention be directed to the salient language in each enactment as underlined on the photographs and margin-bracketed to guide the reader, language which is set out in the *Digest* in abbreviation. But this attention does not reveal the story of the realities of those days as does a complete consideration of one statute in relation to another. It is to augment this revelation that the collateral accounts of the *Colonial Military* have been supplied in Appendix I, post.

### *Genesis of the Misconception*

The contenders that American tradition has not been compulsion, though wrong categorically, are right to the extent of the light that has been afforded them. They fell into this error through four factors. One of these was an eclipse. One was a vacuum. Two were distortions.

The *eclipse* consisted of the "rash" of volunteer statutes that broke out just before, during, and after the revolution, in the colonies, due to their easier circumstances, and in the Federal establishment. The long history of the legion of earlier compulsory enactments in the colonies was obscured. In the creation of the Constitution and Federal Statutes, State rights determined that their volunteer militia had to be left to the States. So the larger statesmanship of the convention and Congress was unable to reinstitute measures comparable to those of the earlier tradition. George Washington's plan for a citizen soldiery was refused.

The *vacuum* consisted of the entire absence in any publicized literature, since the foundation of the union of the evidence that these compulsion enactments existed. Not until 1917 was this evidence alluded to and then only obscurely by reference.

The *first distortion* lay in the conception of what the colonial militia was—for it is and has been confused either with the precursors of the volunteer national guards of the States or with the bodies constituted in the Colonial and State constitutions, providing e. g. for a "*militia*" of "all able-bodied white male citizens between 18 and 45." Hence, when the pre-revolu-

tionary term "militia" is encountered, it is wrongly assumed that this was either a real though voluntary body, or a political paper theory, and there arises no appreciation that it was a genuine establishment in each colony, to which men were compelled, by statutory fiat of their governments, and by the ever abiding understanding that service for the State was an essential unquestioned natural incident of their citizenship.

Frederick P. Todd in *Our National Guard—An Introduction to its History* in *Military Affairs* (Journal American Military Institute) Vol. V, No. 2, has, from a different aspect, contributed a similar analysis of the term "Militia" to that which has already been advanced herein. He says: "The word 'Militia' has in the past been given three widely different meanings. In its broadest sense it covers all citizens who could be called out in an emergency to defend the country—all able-bodied manpower. In a narrower sense, the one most commonly used in the United States, it refers to those citizens, roughly between the ages of eighteen and forty-five years, who were enrolled by law in regularly organized units. This is its most accurate meaning, but here it is necessary to point out that the units of which this militia was composed fell into two distinct classes. It is from the third use of the word 'Militia,' describing either of these subordinate classes, that most of our confusion arises. The two classes of militia were fundamentally different, but, in spite of the recognition this difference has been accorded in the past, it has all too often been missed by later military writers. The first of these classes was usually called '*Volunteer Militia*' or simply '*Volunteers*,' and the second was known as *common militia* . . . The national guard, popular belief and legislation to the contrary, is not descended from the common militia." In his section on *The American Volunteer, 1755-1783*, Mr. Todd contributes a rare and interesting discussion of the relative merits of volunteers and "prescribed" militia as shown in this period, a matter which is, however, outside of the present province. It remains simply that this is one of the rare recognitions that "*Common Militia*" were statutorily compelled troops in the colonies.

The *other distortion* concerns the repugnancy to standing armies. It is alleged that the colonists repudiated them as threats to political and social welfare, and as involving compulsion. It is, therefore, further assumed that the colonists repudiated compulsion as such. But it was not the standing army, as such, nor compulsion that might create it, that was

the issue; it was the standing army of foreign professional soldiers, "birds of passage," who did not honor either the political nor the social institutions of the colonists, that was imposed from above, from abroad, by the British King—there lay the grievance.<sup>14</sup> "*The passionate desire for freedom from foreign domination*—which we may note is very far from the desire for freedom itself, with which it is often confused. . . ."<sup>15</sup> Their own "standing" army, the "*common militia*," this the colonists created themselves, and by compulsion.

Perhaps Pitkin, Max Nordau, or some other social psychologist, can find endless overpowering cause for wonder here, in these phenomena: the introduction of a later system, the obscuring of an earlier, misunderstanding of a name, misapprehension of a principle, and, the crowning consequence: assertion that the later system was the exclusive earlier one.

### *Problem of Research*

In every warring generation The G. I. Joe with military field experience combines the salutary vision born thereof with political impotence. Conversely, in large measure, where political potency is lodged the vision fails for lack of such experience or knowledge. When the Writer was a G. I. Joe he already favored, as those of today favor, the universal military training of all youth of the nation. No doubt with many others, he followed its first national proposal with fervent hope, not yet realized now 35 years later. But, strange as it may seem, this research was assigned and conceived without any idea of bearing on that issue. It was not until an attempt had been made in 1945 to engraft upon the National Defense Act a provision for universal military training that realization came as to the bearing of this compilation on that issue. And then an examination of the published hearings on Universal Military Training of June 4-19, 1945, before the House Select Committee on Post War Military Policy made it plainly evident that the error this compilation sought to correct was not only still rife but effective in deterring such legislation as well.

In hearings, debates, and in the literature, it had been repeatedly said that compulsion was a departure from American traditions, yet a few flat authoritative statements existed to the contrary, which were, how-

<sup>14</sup> See L. W. Stotesbury and H. W. Dodds, Appendix III, post.

<sup>15</sup> Julian Huxley "On Living in a Revolution", Harpers, 1944, Chapter on "Race" in Europe, p. 204.



ever, destitute of references, let alone the sources themselves. The former opinions had had considerable influence in delaying and defeating legislation, and they were evidently widely held, but they did not seem to have the authority of the latter. What was the truth? It did not seem to be a mere academic subject, for it entered every emergency, and critical measures were affected by it. Nor would a Selective Service law passed in peacetime, for use in peacetime, and effectively operated in peace and war, constitute an object lesson and be successful in relegating the subject to the academic limbo. For such practical experience is forgotten, and doctrinaires return to gesture with intangibles.

To make manifest the repeated *assertions* that compulsion departed from American tradition it was later found necessary to explore the literature. It was essential to examine the debates and hearings that occurred at such junctures in the history of the United States as a nation when compulsion was attempted. It was necessary to review the formal writings on the subject as well as those of a more fugitive nature; to examine these for assertions as to what America's traditions were. This was done at a later stage and it revealed assertions, at all such junctures, both by prominent national figures, and by other persons who had specialized or propagandized.<sup>16</sup> Many of these, the vast majority in fact, were to the effect that compulsion was a departure—whereas a very few, whose submissions indicated scholarship and investigation, maintained that it had been the American way. But neither side went to the trouble of presenting the sources, either in their originals or by reference, nor even by digest, summary, or collective statement. They either asserted compulsion as a tradition, denied it, or, though within their province, did not advert to it, that is, did not refer to any American enactments before the revolution.

The other half of the problem, that which was first undertaken, was to go to the sources themselves, the enactments of the colonial governments throughout history, to learn whether these could be said to have constituted at any time an American tradition. These enactments were produced by the first conjunction of three phenomena: *the new world, the first American written law*,<sup>17</sup> and *Colonial employment of military man-*

*power*. Yet, curiously enough, no complete collection had hitherto been made of them.

Correspondence was begun with about 100 archivists, historians, and institutions concerned with the records of the 13 original colonies. This failed to uncover any lead of references to sources. Then, renewed search uncovered: first, the opinion in, and brief for the government in the *Selective Draft Cases* of 1917, U. S. Supreme Court, the latter containing Mrs. Robert Szold's references to 200 compulsory statutes from the colonies, and, second, the "Digest" of enactments by two of the colonies by Horace G. Pierson, 1914, at Army War College. These two items were, at least, an earnest that compulsory enactments existed in plentitude. However, the references obtained from them were not used initially. The work was started anew in each colony, and, after completion, the collection was checked against the Szold and Pierson references.

Widespread persistent misconception on the one hand, and rare correct conclusions without supporting specification on the other, required that a thorough search be prosecuted. When indexes were available it must not, as with earlier attempts, be held to the heading "militia." So, uniformly, the quest was extended to the following subject headings: amercement, ammunition, arms, army, census, charters, defense, distraint, draft, fort, guns, impressment, Indians, infantry, insurrections, invasions, inventory, levy, lists, militia, minute men, muster, service, soldiers, trainbands, troops, war.

The number of volumes of statutes in the Office Law Section, Law Division, Library of Congress<sup>18</sup> from each colony during the period in question included: Connecticut 332, Delaware 141, Georgia 137, Maryland 200, Massachusetts 764, New Hampshire 261, New Jersey 245, New York 301, North Carolina 227, Pennsylvania 442, Rhode Island 1,103, South Carolina 354, Virginia 545; Total 5,052. About half of these accessions were in session law volumes, of an average of about 45 pages each, and without indices. In some colonies a general index for part of the period led to the acts. The sets of Archive volumes, more recent creations for some colonies, proved very helpful. All relevant enactments that were discovered by original research, use of indices, or by check of references, have been included, but it is known, from the internal evidence of the statutes, that a few others,

<sup>16</sup> See Appendix III, *Hearsay, Pro and Con*, post.

<sup>17</sup> Enactment No. 601, Massachusetts, here included in Compilation, is from "*Lauues and Libertyes*" 1645, Cambridge, the first law book printed in the British Colonies (original in Huntington Library).

<sup>18</sup> The other outstanding collections of this material: Harvard University and the Charlemagne Tower Collection in Philadelphia.

usually reenactments of former laws, existed, which have not been included, or specially sought for, so as not to defer unduly the completion of this work. To uncover temporary though often important acts, orders in Council, etc., recourse to such source materials proved necessary, since codifications of laws in force did not, of course, include them.

Only a few volunteering acts are included for comparison, but they did not occur until 1755 when bounties, too, began to be voted. It was noticed that when the emergency was great, compulsion was resorted to. When it was less serious, volunteering was tried, and, when that failed either to raise the troops or win the fights, dependence was again placed upon conscription. Compulsion was the order of things in the earlier times when the pioneer outlook prevailed. It is the original tradition. Volunteering occurred at a later date of more settled self indulgent circumstances.

Instruments (acts, charters, Governor Instructions) conveying the power to compel have been included. Acts directing exemptions are included as part of the story of how much compulsion existed. Certain acts are included which only contain the penalties for not heeding the obligation already laid down by others, or prescribing how such penalties shall be enforced. Some of the early acts contain no formal words of mandate but require the keeping of watches, the bearing of arms to church or to the field, the keeping on hand of ammunition. Obviously the men went along with the arms—these, too, were pronouncements of government of a compulsory nature. When they merely dealt with the arms and ammunition as a supply they were not included. Differentiation had to be made between true acts of compulsion and mere reallocations of troops already raised, and this was occasionally difficult. Sometimes the phrase “draft the militia” announced compulsion of the citizenry, while at other times it meant to order into service. Sometimes it meant to take a quota for some specific purpose from troops already on active duty.

Although excessive care has been exercised in the compilation with the records available, omissions exist. Visits to the offices of each of the State Archives of the colonies involved would be required to insure complete coverage; correspondence is not entirely satisfactory for such purpose. For Rhode Island, Miss Mary T. Quinn, Assistant in Charge of Archives, Providence, writes: “In the period 1638–1738 there were no less than thirty acts relating to compulsory military service passed by the General Assembly.” But 16

are listed in that period. She says: “The first act of November 9, 1638 required all men aged sixteen to fifty years of age able to bear arms to furnish themselves with the necessary accoutrements and to meet for one day of training each year. From then on the idea remained the same . . . days for training increased . . . age limits raised to sixty . . . fines provided . . .” That act is not listed.

It is regretted that time, travel, and space did not permit a more complete survey.

In the 150 statements of Appendix III “*United States*,” and “*Nation*” have been taken to mean the Federal Establishment since the Constitution, whereas “*American*,” “*this Country*” or “*land*” or “*our history*” alleges something extending back to colonial beginnings. Throughout both periods certain attributes have been characteristic, such as liberty, freedom, democracy. So when encountering statements that compulsion in peacetime is “*un-American*,” “*undemocratic*,” “*inconsistent with free government*,” “*not civil liberty*,” “*not the American way of life*,” or “*inconsistent with individual freedom*,” these have been included, as well, so as to cover whatever in such statements was meant, or can be taken as meaning “*compulsion in peacetime is a departure from American tradition*.”

### *Save the Traditions!*

Since the tradition herein covered is *military* enshrined in *law* it is particularly fitting that a recent plea for its saving by a great soldier echoing that of a great jurist can be summoned in its behalf.

As reported in the New York Times for Friday, April 26, 1946 and noticed editorially in its column “Topics of the Times” on Sunday, May 12 of that year, the address of General of the Army, Dwight D. Eisenhower, Chief of Staff, before the Bureau of Advertising of the American Newspaper Publishers Association on April 25, 1946, referred to a New England newspaper reporting an 1895 Memorial Day address by a citizen-soldier whose name is now enrolled among the immortal great. General Eisenhower quoted him as saying:

“Although the generation born about 1840, and now governing the world, has fought two at least of the greatest wars in history, and has witnessed others, war is out of fashion, and the man who commands the attention of his fellows is the man of wealth. Commerce is the great power.

“*We do not save our traditions in this country.*

“The regiments whose battle-flags were not large



enough to hold the names of the battles they had fought, vanished with the surrender of Lee, although their memories inherited would have made heroes for a century. It is the more necessary to learn the lesson afresh from perils newly sought, and perhaps it is not vain for us to tell the new generation what we learned in our day, and what we still believe."

General Eisenhower went on to say: "Those are not the words of a saber-rattling brass hat. They were spoken by one of the greatest democratic figures our country has produced, the younger Oliver Wendell Holmes, three times wounded in combat as a captain of Infantry, for a generation a Justice of the Supreme Court."

General Eisenhower deplores that "*we ignore the lessons of our past history.*"

It is to be noticed in closing that the colonists not only had peacetime compulsion of training for service but actually had "*conscription*" in the more narrow sense of a "writing down together". For they "listed" their manpower and "called" from the lists. And in this they were ahead of Napoleon, Jean B. Jourdan, and the French law of September 5th, 1798, which history has hitherto credited with its invention. Moreover a German authority points out that: "The example of the North American militia presented itself as an ideal to the leaders of the French Revolution."<sup>19</sup>

---

<sup>19</sup> *A Nation Trained in Arms or a Militia*, Lt. Gen. Baron von Freytag-Loringhoven, Putnams, N. Y., 1918.

# Glossary

AMERCEMENT—A pecuniary penalty imposed for lesser offenses by a judicial tribunal, including courts not of record (as distinguished from the "fines" for greater offenses).

ARRIÈRE BAN—A proclamation of the French Kings, calling immediate feudatories and their vassals to take the field for war.

ASSIZE—"Assize of arms" (English law). An act of 1181 requiring the maintenance by every man of arms suitable to his rank or condition.

BALLOT—A casting of votes, and, by extension, "the lottery," conscription in England.

BILBO—A fetter formerly used chiefly on ships consisting of two sliding shackles attached to an iron bar which was secured by a padlock to the deck.

CONSCRIPTION—A compulsory enrollment of men for military or naval service. (A writing down together; registration.)

DISTRAIN—To take as a pledge property of another and keep the same until he performs his obligation or until the property is replevied by the Sheriff.

DRAFT—A drawing or detaching of men from among a mass of persons, or from the people at large, or from any part of them, for compulsory service as soldiers or sailors.

FYRD—The nation's military array or host in England prior to the Norman conquest.

HOST—An army, an array (England).

HUNDRED—The district or county division which furnished a hundred warriors to the host (England, Ireland, United States; "Wapentake" in some English counties).

IMPRESSEMENT—Act of impressing into public service; compulsion to serve ("the press").

INDELTA—The feudal militia customs revived by Gustavus Adolphus in Sweden in 1630, abolished in 1901.

IN CAPITÉ—An English land tenure from the King in return for military service.

KNIGHT SERVICE—The obligation on Knights to

serve the King in return for status and estates (England after Norman conquest).

LANDSTURM—A general levy in time of war; the last line of defense (Germany).

LEVÉE EN MASSE—An assembly of men held by command of the King; a draft.

MILITIA—(1) A body of troops, soldiery. (2) A body of citizens enrolled as a regular military force for periodical instruction, discipline, and drill, but not called into active service except in emergencies. So called in England to 1907 when changed to "special reserve." On the Continent the territorial reserves such as Landsturm, Landwehr, Territorial Army, etc., correspond to the militia. In American colonies both a "*common militia*" (compulsory) and a "*voluntary militia*" existed, which latter developed into the National Guard of the States. (3) In the United States by act of Congress (32 Stat. 755, 1903) all able-bodied male citizens and all males of foreign birth who have declared an intention to become citizens between the ages of 18 and 45, with a few exceptions, were declared to constitute the militia.

NATIONAL LEGIONS—Term, derived from Roman legions, applied by Russia and United States (1792) to manpower organized by law for defense.

POSSE COMITATUS—The power of the county—the entire body of inhabitants who may be summoned to preserve the peace. By English common law, all able-bodied males over 15 years of age.

SOCAGE—An English tenure of lands by any fixed and determinate service as distinguished from military tenure or Villenage.

SCUTAGE—The legal incidents of required military service in English feudal law.

TRAIN BAND—A band or company of trained citizen soldiers (England, counties, Thirteenth or Fourteenth Century; America, Colonies, Seventeenth Century)—in both countries developed into compulsory militia.

# Summary of Enactments

Classes of provisions in enactments	Connecticut	Delaware	Georgia	Maryland	Massachusetts	New Hampshire	New Jersey	New York	North Carolina	Pennsylvania	Rhode Island	South Carolina	Virginia	Total
1. General enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both . . .	11	4	7	8	14	22	13	20	13	8	6	9	12	147
2. Drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes . . . . .	24	....	1	4	14	6	1	14	7	....	12	....	17	100
3. Appointments to and delegations of general authority, or grants of specific powers to compel service . . . . .	15	....	6	11	24	20	7	1	5	6	2	13	12	122
4. Separate acts providing penalties for nonobservance of mandates to serve (including fines, amercements, distrains, bodily punishment) . . . . .	4	....	....	1	10	4	1	1	....	1	7	1	2	32
5. Acts otherwise enforcing or administering mandates to serve, or referring to benefits, census, demobilizations, manpower, and miscellaneous defense measures . . . . .	23	....	....	2	32	3	2	8	4	9	17	4	26	130
6. Acts disciplinary of persons to serve . . . . .	3	....	....	....	2	....	....	1	....	....	1	....	1	8
7. Acts of organization or reorganization of service . . . . .	4	....	....	....	13	4	3	1	....	2	3	....	1	31
8. Extensions, revivals, and reenactments by codification of statutes . . . . .	....	....	1	16	2	1	1	41	6	1	2	1	7	79
9. Acts prescribing exemptions from obligation to serve . . . . .	8	....	....	....	6	2	....	1	1	....	4	....	5	27
10. Acts inviting volunteers . . . . .	15	....	....	4	....	1	....	1	3	3	7	1	14	49
11. Acts supplementary, amendatory, augmentative, restrictive, and repeals, nullifications, and removals of exemptions . . . . .	1	....	....	1	4	2	1	2	....	....	4	....	4	19
12. Declarations (including declarations of war, and of effectiveness of British Law in Colony), justifications, announcements, interpretations, explanations, determinations, decisions, confirmations, and indemnities . . . . .	2	....	....	5	5	....	1	1	2	1	1	....	3	21
13. Financing, appropriations, taxations, property levies, and supply connected with service obligation . . . . .	....	....	....	1	1	....	....	1	....	1	....	....	5	9
14. Agreements in confederation . . . . .	....	....	....	....	1	....	1	1	....	....	....	....	....	3
Total . . . . .	110	4	15	53	128	65	31	94	41	32	66	29	109	777

## NOTES TO SUMMARY

(1) The number of the compiled item may appear under more than one class of Provisions either when it includes more than one provision or when it can be viewed from different aspects.

(2) Delegations of Authority and Grants of Power when carrying the right to list, muster, impress, train, etc., are taken as laying obligations, and, so, are listed in both classes 1 and 3 of the Provisions.

(3) The confederation agreement (item No. 633, Mass.) that occurred at Boston is compiled and tabulated in Massachusetts only, although four colonies joined. The one listed for New Jersey (item No. 634, N. J.) is compiled under that colony but tabulated under both New York and New Jersey.





# Keys to Enactments

[These are reference numbers by colony to the 613 enactments in Parts 2-14, inclusive, of this volume, the 777 provisions of which are tabulated and defined in the 14 classes of the *Summary of Enactments*]

## CONNECTICUT

Class	Total
(1) 22, 23, 20, 30, 8, 484, 16, 64, 90, 6, 45....	11
(2) 469, 46, 48, 474, 51, 476, 477, 2, 4, 57, 59, 71, 72, 76, 79, 80, 81, 83, 84, 85, 86, 37, 40, 41.....	24
(3) 632, 33, 34, 35, 43, 39, 471, 485, 1, 58, 65, 66, 67, 14, 483.....	15
(4) 29, 9, 10, 68.....	4
(5) 24, 31, 36, 42, 38, 470, 472, 47, 473, 49, 52, 54, 3, 5, 56, 91, 12, 489, 17, 480, 482, 87, 88.....	23
(6) 475, 89, 32.....	3
(7) 25, 11, 479, 77.....	4
(9) 26, 27, 28, 50, 478, 55, 60, 62.....	8
(10) 476, 477, 4, 70, 74, 75, 481, 78, 79, 81, 82, 83, 84, 85, 86.....	15
(11) 18.....	1
(12) 61, 13.....	2
Grand total.....	<u>110</u>

## DELAWARE

(1) 331, 631, 333, 332.....	4
Grand total.....	<u>4</u>

## GEORGIA

(1) 321, 328, 330, 326, 329, 325, 327.....	7
(2) 604.....	1
(3) 322, 324, 329, 325, 327, 326.....	6
(8) 323.....	1
Grand total.....	<u>15</u>

## MARYLAND

Class	Total
(1) 350, 349, 351, 352, 353, 354, 355, 367....	8
(2) 348, 606, 607, 605.....	4
(3) 334, 351, 352, 353, 354, 355, 356, 358½, 335, 368, 348.....	11
(4) 337.....	1
(5) 365, 338.....	2
(8) 364, 357, 359, 360, 366, 362, 363, 336, 337, 341, 339½, 339, 342, 344, 345, 346.....	16
(10) 356, 358½, 335, 605.....	4
(11) 343.....	1
(12) 358, 361, 338, 347, 340.....	5
(13) 605.....	1
Grand total.....	<u>53</u>

## MASSACHUSETTS

(1) 534, 490, 496, 549, 550, 503, 599, 598, 437, 454, 461, 464, 468, 535.....	14
(2) 542, 545, 537, 551, 539, 565, 568, 570, 540, 456, 461, 467, 466, 608.....	14
(3) 546, 545, 500, 492, 548, 537, 538, 507, 535, 559, 498, 491, 570, 508, 443, 212, 243, 213, 214, 215, 216, 218, 219, 515...	24
(4) 544, 547, 495, 564, 569, 438, 442, 445, 452, 463.....	10
(5) 543, 535, 557, 501, 502, 561, 494, 563, 600, 568, 567, 569, 571, 497, 572, 573, 541, 509, 506, 439, 444, 440, 441, 446, 448, 449, 451, 450, 456, 458, 462, 214...	32
(6) 536, 568.....	2
(7) 545, 535, 492, 548, 551, 601, 493, 552, 556, 550, 560, 603, 461.....	13
(8) 602, 447.....	2
(9) 560, 562, 499, 510, 455, 460.....	6
(11) 559, 568, 572, 573.....	4

## MASSACHUSETTS—Continued

Class	Total
(12) 554, 557, 560, 566, 453.....	5
(13) 505.....	1
(14) 633.....	1
Grand total.....	<u>128</u>

## NEW HAMPSHIRE

(1) 222, 225, 226, 223, 221, 227, 229, 230, 231, 232, 233, 235, 236, 238, 239, 241, 242, 246, 247, 248, 517, 518.....	22
(2) 220, 511, 512, 514, 611, 612.....	6
(3) 516, 513, 221, 223, 224, 226, 225, 229, 230, 231, 232, 235, 239, 241, 245, 246, 247, 248, 609, 254.....	20
(4) 228, 240, 244, 610.....	4
(5) 234, 244, 609.....	3
(7) 516, 513, 514, 518.....	4
(8) 244.....	1
(9) 237, 249.....	2
(10) 512.....	1
(11) 224, 225.....	2
Grand total.....	<u>65</u>

## NEW JERSEY

(1) 254, 250, 251, 252, 253, 261, 262, 260, 256, 258, 519, 634, 520.....	13
(2) 521.....	1
(3) 254, 261, 262, 260, 256, 258, 520.....	7
(4) 259.....	1
(5) 255, 522.....	2
(7) 634, 520, 259.....	3
(8) 257.....	1
(11) 259.....	1
(12) 263.....	1
(14) 634.....	1
Grand total.....	<u>31</u>

## NEW YORK

(1) 634, 146, 156, 153, 158, 163, 172, 173, 183, 187, 188, 190, 195, 198, 206, 210, 211, 524, 532, 154.....	20
(2) 148, 149, 150, 151, 523, 613, 525, 614, 528, 529, 530, 531, 615, 533.....	14

## NEW YORK—Continued

Class	Total
(3) 533.....	1
(4) 155.....	1
(5) 154, 157, 159, 163, 197, 198, 527, 615...	8
(6) 198.....	1
(7) 634.....	1
(8) 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 185, 186, 189, 191, 192, 193, 194, 196, 199, 200, 201, 202, 203, 204, 205, 207, 208, 209, 526.....	41
(9) 198.....	1
(10) 152.....	1
(11) 184, 185.....	2
(12) 147.....	1
(13) 152.....	1
(14) 634.....	1
Grand total.....	<u>94</u>

## NORTH CAROLINA

(1) 300, 264, 272, 273, 267, 269, 278, 280, 281, 283, 284, 286, 291.....	13
(2) 287, 292, 293, 296, 299, 289, 297.....	7
(3) 300, 272, 268, 298, 294.....	5
(5) 265, 285, 290, 288.....	4
(8) 276, 266, 277, 279, 270, 271.....	6
(9) 282.....	1
(10) 292, 293, 295.....	3
(12) 274, 275.....	2
Grand total.....	<u>41</u>

## PENNSYLVANIA

(1) 129, 127, 574, 131, 138, 132, 142, 145...	8
(3) 126, 574, 132, 140, 579, 145.....	6
(4) 139.....	1
(5) 136, 137, 141, 578, 133, 140, 143, 579, 144.....	9
(7) 128, 144.....	2
(8) 135.....	1
(10) 130, 135, 134.....	3
(12) 580.....	1
(13) 133.....	1
Grand total.....	<u>32</u>

## RHODE ISLAND

Class	Total
(1) 94, 582, 588, 118, 125, 465.....	6
(2) 590, 591, 594, 115, 116, 117, 595, 618, 621, 596, 597, 121.....	12
(3) 95, 622.....	2
(4) 92, 589, 99, 103, 104, 108, 120.....	7
(5) 585, 586, 102, 103, 104, 97, 106, 108, 110, 111, 112, 594, 115, 595, 619, 622, 623....	17
(6) 593.....	1
(7) 96, 100, 118.....	3
(8) 592, 465.....	2
(9) 583, 98, 105, 114.....	4
(10) 107, 109, 620, 119, 621, 596, 122.....	7
(11) 584, 587, 588, 124.....	4
(12) 113.....	1
Grand total.....	66

## SOUTH CAROLINA

(1) 301, 302, 303, 304, 305, 307, 616, 309, 318	9
(3) 301, 302, 303, 304, 305, 307, 312, 313, 315, 316, 309, 317, 311.....	13
(4) 310.....	1
(5) 306, 617, 319, 320.....	4
(8) 308.....	1

## SOUTH CAROLINA—Continued

Class	Total
(10) 314.....	1
Grand total.....	29

## VIRGINIA

(1) 371, 387, 389, 393, 398, 401, 403, 404, 406, 420, 423, 436.....	12
(2) 379, 381, 386, 399, 400, 403, 416, 419, 422, 424, 624, 426, 428, 429, 431, 433, 432....	17
(3) 371, 375, 370, 388, 391, 396, 398, 407, 417, 419, 421, 430.....	12
(4) 382, 432.....	2
(5) 369, 370, 372, 373, 374, 375, 377, 378, 383, 381, 384, 390, 391, 393, 395, 396, 399, 400, 402, 404, 405, 407, 410, 421, 422, 427..	26
(6) 432.....	1
(7) 435.....	1
(8) 397, 409, 412, 411, 413, 414, 415.....	7
(9) 385, 390, 392, 394, 421.....	5
(10) 381, 386, 400, 405, 416, 418, 421, 422, 424, 624, 427, 429, 431, 434.....	14
(11) 404, 410, 419, 425.....	4
(12) 376, 379, 399.....	3
(13) 400, 403, 404, 408, 410.....	5
Grand total.....	109

# Colonial War-Peace Chronologies

## NOTES TO CHRONOLOGIES

[Graphic Chronologies of War and Peace for the Thirteen Colonies, Set Off Against Dates of Enactment of Statutory Provisions of Classes 1 and 2 in the *Summary of Enactments*]

(1) These representations constitute what is, in effect, a considerable understatement, inasmuch as they show merely when the acts were passed in relation to the periods of Peace and do not show the years during which a particular provision, e. g., a mandate to all men to train, remained in effect. To show this by blocking out the years, as is done for the wars, was not practicable since overlapping would have been extensive and confusing. To determine the duration of legal effectiveness of any particular provision, recourse must, therefore, be had to the terminal clauses of the original statutes of this Compilation, in connection with subsequent acts of extension, revival, and repeal, as revealed by the Digest, post. The last-named type of act was rare in colonial times, and, when it occurred, a new act carrying the same mandate was invariably enacted in its stead.

It may safely be said that, once a class 1 provision was enacted, it remained in effect indefinitely, or was supplanted by a similar one. Hence the blank spaces in the columns devoted to that class of provisions may be considered as years in which the preceding mandate or mandates were still effective.

The continued effectiveness in peacetime (by terminal clause, extension, or revival) of a class 1

provision, enacted during or in anticipation of a war, is of but little less significance than the passage of such a provision in peacetime.

Provisions of several other classes defined in the *Summary, supra*, such as those dealing with penalties and those concerned with enforcement and administration, and especially the delegations of authority and grants of power to compel, of class 3, were as effective by themselves in creating, or helping to create, military establishments in peacetime and in wartime, as those of classes 1 and 2, here set off against the Chronology. It did not seem expedient or necessary to disentangle these and set them off likewise.

(2) The Colonial War-Peace Chronologies were submitted to 45 of the authorities, official and otherwise—archivists, historians, adjutants general, librarians, etc., in the original 13 States with whom correspondence had been had at the outset of research, in seeking references, and, to the extent that further light is at hand in their replies at this writing, these chronologies have now been adjusted and corrected. This has therefore been done on a basis of the best advice available, even though apparent inconsistencies appear thereby, as between colonies, which might be thought to have had the same war experience.

# Connecticut

(AND SEE MASSACHUSETTS)

Year War Class I Provisions Class II Provisions

1605			
1610			
1615			
1620			
1625			
1630			
1635	1633 PEQUOT 1637	(22) 1636 (23) 1637 (20) 1638	
1640			
1645	1643 KIEFT'S 1647		
1650		(30) 1650	
1655		(8) 1656	
1660			
1665	1664 DUTCH		
1670			
1675	1673 KING PHILIP'S 1676	(484) ca. 1674	(37, 40, 41) 1675
1680			
1685		(45) 1687	
1690	1689 KING WILLIAM'S		(46, 469) 1690
1695	1696 FRONTENAC'S EXPEDITION 1697		
1700			
1705	1702 QUEEN ANNE'S		(48) 1703
1710			(474) 1707 (51) 1709 (476) 1710 (4, 477) 1711
1715	1713		(2) 1715
1720			
1725	1724 EASTERN INDIAN		(57) 1725 (59) 1726
1730			
1735			
1740	1739 ANGLO-SPANISH 1741	(16, 64) 1741	
1745	1744 KING GEORGE'S 1748	(90) ca. 1744	
1750			
1755	1756 FRENCH and INDIAN		(71) 1758 (72) 1759
1760	1763 STAMP ACT REVOLT 1765		
1765			
1770			
1775	1775 REVOLUTION		(76) 1775 (79, 80) 1777 (81) 1778 (83) 1779 (84, 85) 1780 (86) 1781
1780	1783	(6) ca. 1784	
1785			

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

Dates preceded by "ca." are approximate.

## Historical Data

1606. Territory included in grant to Plymouth Company (no settlement followed immediately).

1609, 1614. Discoveries by Henry Hudson and Adrian Block (Bloek), and establishment of trading posts by the Dutch.

1636. First permanent settlement by English from Massachusetts at Hartford, Wethersfield, and Windsor.

1637. First general Court met May 1st.

1638. New Haven Colony established.

1662. Charter of Connecticut granted by Charles II to John Winthrop and others, uniting the two colonies.

1686-89. Usurpation of Andros.

1689. Government under charter resumed. Charter recognized by William and Mary.

1774. Delegates sent to Continental Congress.



# Delaware

(AND SEE PENNSYLVANIA)

Year	War	Class I Provisions	Class II Provisions
1605			
1610			
1615			
1620			
1625			
1630			
1635			
1640			
1645			
1650			
1655	1654 SWEDE-DUTCH 1655 DUTCH-SWEDE		
1660			
1665	1664 ENGLISH-DUTCH		
1670			
1675	1673 ENGLISH-DUTCH 1674		
1680			
1685			
1690	1689		
1695	KING WILLIAM'S 1697		
1700			
1705	1702		
1710	QUEEN ANNE'S		
1715	1713		
1720			
1725			
1730			
1735			
1740	1739 JENKIN'S EAR 1742	(331) 1741	
1745	1744 KING GEORGE'S 1748		
1750			
1755	1754	(631) 1756 (333) 1757	
1760	FRENCH and INDIAN 1763		
1765			
1770			
1775	1775		
1780	REVOLUTION		
1785	1783	(332) 1785	

## Notes

Class I Provisions are defined as general enactments of compulsion laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1610. Delaware river and bay explored by English under Lord de la War.

1631. First settlement by Dutch, near present town of Lewes. Destroyed by Indians.

1637. Settlement by Swedes at Christina Harbor.

1654. Swedish dominion ended by Dutch from New Amsterdam under Peter Stuyvesant.

1664. Charter of Charles II to James, Duke of York, covering all lands between Connecticut River and Delaware Bay.

1681. Port of Delaware included in grant by Duke of York to William Penn ("The Three Lower Counties on the Delaware" or "The Territories").

1701. Charter of Charles II to William Penn.

1776. September 21, State constitution proclaimed.



# Georgia

(AND SEE THE CAROLINAS)

Year War Class I Provisions Class II Provisions

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1662-63. Included in a proprietary charter granted to the lords proprietors of Carolina by Charles II.

1719. Provincial charter substituted for foregoing.

1732. Charter by George II to Oglethorpe and others.

1732. Surrender of the Oglethorpe charter.

1754. Provincial government established, with British governor and colonial assembly.

1776. Delegates to Continental Congress instructed to vote for independence.

1777. State constitution adopted (February 5).

1605  
1610  
1615  
1620  
1625  
1630  
1635  
1640  
1645  
1650  
1655  
1660  
1665  
1670  
1675  
1680  
1685  
1690  
1695  
1700  
1705  
1710  
1715  
1720  
1725  
1730  
1735  
1740  
1745  
1750  
1755  
1760  
1765  
1770  
1775  
1780  
1785

1739  
SPANISH  
1743

1754  
FRENCH and INDIAN  
1760  
CHEROKEE  
1761  
1763

1775  
REVOLUTION  
1783

(321) 1755  
(328) 1757

(329) 1765  
(330) 1766

(325) 1773

(326) 1778

(327) 1784

(604) 1782

# Maryland

Year	War	Class I Provisions	Class II Provisions
1605			
1610			
1615			
1620			
1625			
1630			
1635	1634 1638	CLAIBORNE'S REBELLION	(350) 1638
1640	1642 1647	INGLES REBELLION	
1645			
1650	1654 1655	PURITAN REBELLION	(349) 1654
1655			
1660			(351) 1661
1665			
1670			
1675			(352) 1676 (353) 1678
1680			(354) 1681
1685			
1690	1689 1690	PROTESTANT REVOLUTION	
1695	1697	KING WILLIAM'S	(355) 1692
1700	1702		
1705		QUEEN ANNE'S	
1710	1713		
1715			
1720			
1725			
1730			
1735			
1740			
1745	1744 1748	KING GEORGE'S	
1750			
1755	1754 1763	FRENCH and INDIAN	(367) 1756 (348) 1757
1760			
1765			
1770			
1775	1775 1783	REVOLUTION	(606, 607) 1780 (605) 1781
1780			
1785			

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1632. Charter by King Charles I, to Cecilius Calvert, second Lord Baltimore, and first Lord Proprietary of the Province.

1680. The government taken from Lord Baltimore by William and Mary, but his proprietary rights remained undisturbed.

1776. State constitution adopted.

# Massachusetts

Year	War	Class I Provisions	Class II Provisions	Notes
1610				
1615				
1620	1620 INDIAN			Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.
1625				Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.
1630			(542) 1631	Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.
1635	1633 PEQUOT	(534, 490) 1633	(545) 1634	Dates preceded by "ca." are approximate.
1640	1637	(496) 1640		
1645	1644 NARRAGANSETT	(549, 550) 1645	(537) 1643	
1650	1645		(551) 1645	
1655				
1660		(599) 1658		
1665				
1670		(503) 1671	(539) 1671	
1675	1675 KING PHILIP'S		(565) 1673	
1680		(598) ca. 1680	(568) 1675	
1685			(570) 1676	
1690	1689 KING WILLIAM'S	(437) 1693	(540) 1689	
1695	1697			
1700				
1705	1702 QUEEN ANNE'S			
1710	1713			
1715				
1720	1722 INDIAN			
1725	1725			
1730				
1735				
1740				
1745	1744 KING GEORGE'S			
1750	1748			
1755	1755 FRENCH and INDIAN	(454) 1758	(456) 1758	
1760	1763			
1765				
1770				
1775	1775 REVOLUTION	(461) 1776	(461) 1776	
1780	1783	(464) 1781	(467) 1778	
1785			(466, 608) 1781	
1790		(468) 1789		

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

Dates preceded by "ca." are approximate.

## Historical Data

1. Virginia and New England, 1606 to 1620.
2. New Plymouth Colony, 1620 to 1691.
3. Massachusetts Bay Colony, 1629 to 1691.
4. Province of Massachusetts Bay, 1691 to 1774.
5. Colony or State of Massachusetts Bay, 1775 to 1780.
6. Commonwealth of Massachusetts, 1780 to date.

First Charter by King James I, dated April 10, 1606.  
Great Patent of New England being charter granted by King James I.

1620. Plymouth Colony founded.

1629. Massachusetts Bay Colony chartered.

1641. Jurisdiction extended over New Hampshire.

(Severance of New Hampshire, 1679.)

1669. Jurisdiction extended over Maine. (Severance of Maine, 1820.)

1692. Province of Massachusetts Bay organized, comprising former colonies of Massachusetts Bay and Plymouth, and former province of Maine.

1726. Explanatory charter of Massachusetts Bay.

1774. Independent Provisional Government organized.

1776. Independence formally declared.

1779. Adoption of state constitution.

# New Hampshire

(AND SEE MASSACHUSETTS)

Year	War	Class I Provisions	Class II Provisions
1605			
1610			
1615			
1620			
1625			
1630			
1635			
1640			
1645			
1650			
1655			
1660			
1665			
1670			
1675	1675 TARANTEEN'S OUTBREAK 1678 KING PHILIP'S		
1680			
1685			
1690	1688 KING WILLIAM'S	(221, 222) 1692	(220, 511, 512, 514) 1689
1695	1697	(223) 1697	
1700			
1705	1702 QUEEN ANNE'S	(225, 226) 1702 (227) 1703	
1710	1713		
1715		(229, 230) 1715 (231, 232) 1716 (233) 1718	
1720	1722 LOVEWELL'S		
1725	1726 (3 Years)		
1730		(238, 235, 236, 239) 1729	
1735			
1740		(241, 242) 1741	
1745	1744 KING GEORGE'S		
1750	1748		
1755	1754 FRENCH and INDIAN		
1760	1763	(246) 1761	
1765		(247, 248) 1766	
1770			
1775	1775 REVOLUTION	(517) 1776	
1780	1783	(518) 1780	(611, 612) 1780
1785			

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1622. Territory included in grant of land to Gorges and Mason called Province of Maine.

1629. Separation of grant to Mason.

1635. Further grant to Mason.

1679. Final defeat of claims of Massachusetts.

1680. Commission for New Hampshire.

1692. Prior to this time, the southerly part of New Hampshire was politically identified in a measure with Massachusetts Bay Colony.

1764. Order in Council fixing boundary between New York and New Hampshire.

1774. Province ceased.

1774-76. Was called the "Colony of New Hampshire."

1776. Name changed to State of New Hampshire, September 11.

1776. Legislature drew up and adopted a constitution.

1783. Revision of constitution.

# New Jersey

(AND SEE NEW YORK)

Year	War	Class I Provisions	Class II Provisions
1605			
1610			
1615			
1620			
1625			
1630			
1635			
1640			
1645			
1650			
1655			
1660			
1665	1664 ENGLISH-DUTCH	(254) 1664	
1670		(250) 1668 (634) 1671	
1675	1673 ENGLISH-DUTCH	(251) 1675	
1680		(252) 1679 (253) 1682	
1685			
1690			
1695			
1700			
1705			
1710	1709 CANADA		
1715		(261) 1713	
1720		(262) 1720	
1725			
1730		(260) 1730	
1735			
1740	1739 THIRD INTERCOLONIAL		
1745	1744 KING GEORGE'S 1748	(256) 1746	
1750			
1755	1754 FRENCH and INDIAN	(258) 1757	
1760			
1765	1763		
1770			
1775	1775 REVOLUTION	(519, 520) 1777	(521) 1779
1780			
1785	1783		

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1664 and 1674 Included in grants by Charles II to James, Duke of York.

1664. Duke of York's release to Lord Berkeley and Sir George Carteret. Constitution by Berkeley and Carteret to the colony.

1676. Divided into New West-Jersey and New East-Jersey.

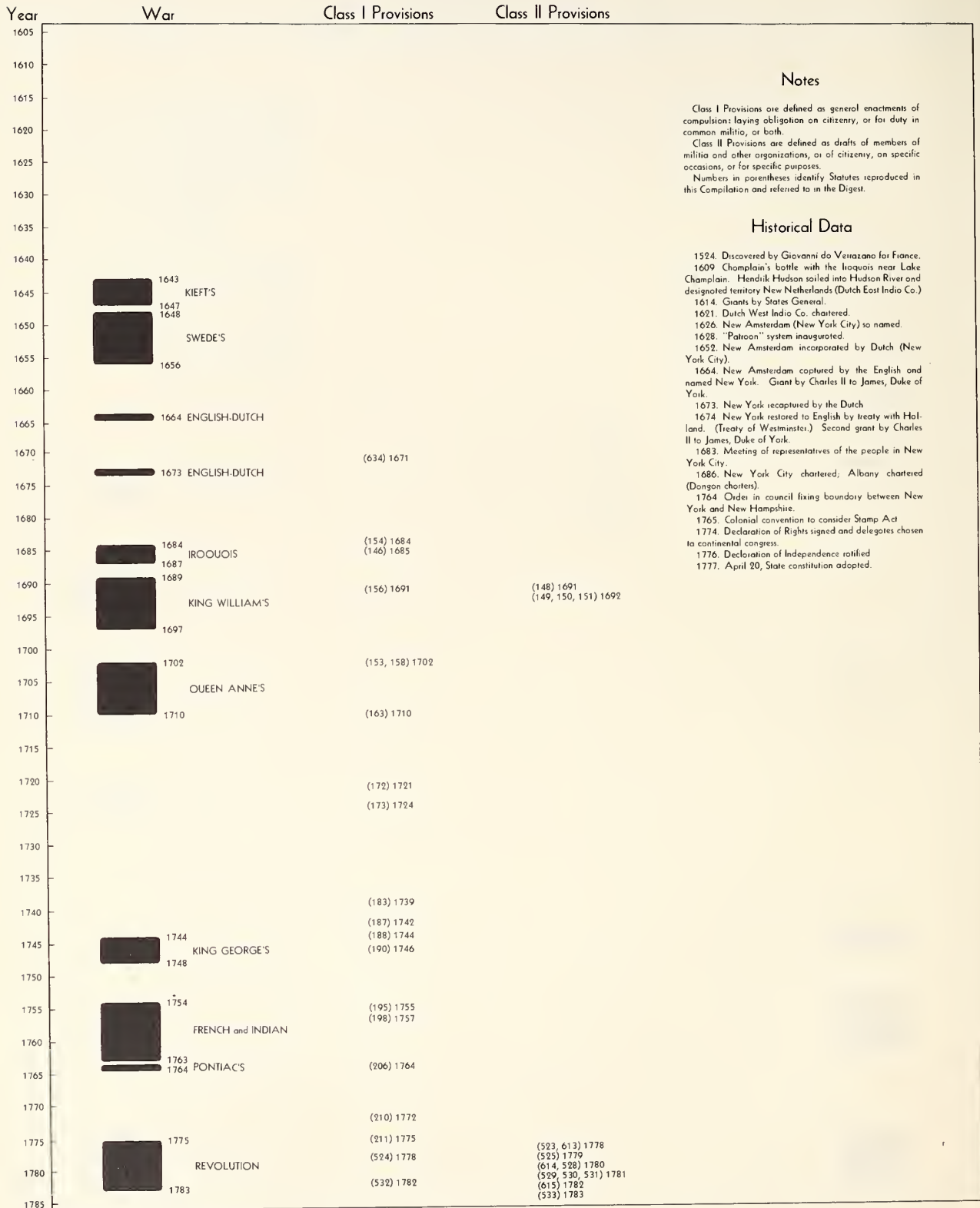
1680. Form of government under proprietors.

1702. Surrender to Crown of their right of government by the proprietors.

1702-1776. Province (or "Colony").

1736. Separation from New York.

# New York



## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1524. Discovered by Giovanni da Verrazano for France.

1609. Champlain's battle with the Iroquois near Lake Champlain. Hendrik Hudson sailed into Hudson River and designated territory New Netherlands (Dutch East India Co.)

1614. Grants by States General.

1621. Dutch West India Co. chartered.

1626. New Amsterdam (New York City) so named.

1628. "Patroon" system inaugurated.

1652. New Amsterdam incorporated by Dutch (New York City).

1664. New Amsterdam captured by the English and named New York. Grant by Charles II to James, Duke of York.

1673. New York recaptured by the Dutch.

1674. New York restored to English by treaty with Holland. (Treaty of Westminster.) Second grant by Charles II to James, Duke of York.

1683. Meeting of representatives of the people in New York City.

1686. New York City chartered; Albany chartered (Dongan charters).

1764. Order in council fixing boundary between New York and New Hampshire.

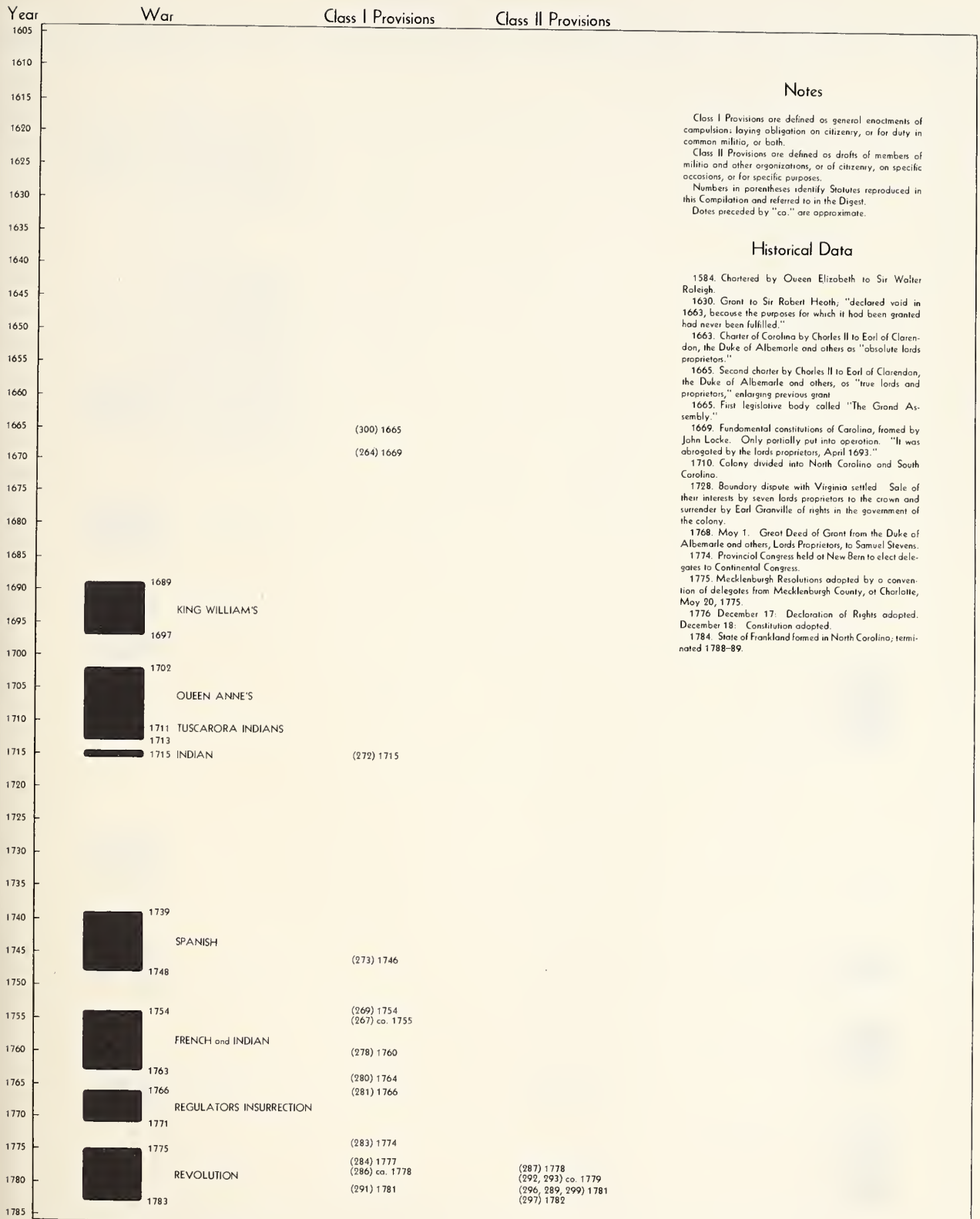
1765. Colonial convention to consider Stamp Act.

1774. Declaration of Rights signed and delegates chosen to continental congress.

1776. Declaration of Independence ratified.

1777. April 20, State constitution adopted.

# North Carolina



For North Carolina enactments, see Vol. II, Part 10.



# Pennsylvania

(AND SEE NEW YORK AND DELAWARE)

Year	War	Class I Provisions	Class II Provisions
1605			
1610			
1615			
1620			
1625			
1630			
1635			
1640			
1645			
1650			
1655			
1660			
1665			
1670		(129) 1671	
1675		(127) 1676	
1680			
1685			
1690			
1695			
1700			
1705	1702 QUEEN ANNE'S		
1710	1713		
1715			
1720			
1725			
1730			
1735			
1740			
1745	1744 KING GEORGE'S		
1750	1748		
1755	1754		
1760	FRENCH and INDIAN		
1765	1763 PONTIAC		
1770	1769 YANKEE-PENNAMITE		
1775	1774 LORD DUNMORE'S	(574) 1776 (131, 138, 132) 1777	
1780	1775 REVOLUTION	(142) 1780	
1785	1783	(145) 1783	

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

- 1637. Settlement by Swedes.
- 1655. Surrender by Swedes to Dutch.
- 1664. Capture by Duke of York.
- 1681. Charter by King Charles II to William Penn, for Province of Pennsylvania.
- 1681. "Three Lower Counties on the Delaware" transferred to William Penn, by Duke of York.
- 1681. Concessions by William Penn, Proprietary and Governor, to Province of Pennsylvania.
- 1682. Frame of government of Pennsylvania.
- 1683. Frame of government of Pennsylvania and territories annexed.
- 1696. Frame of government of Pennsylvania and territories thereunto belonging.
- 1701. Separate Assembly granted to the "Three Lower Counties" under name of the "Territory."

For Pennsylvania enactments, see Vol. II, Part 11.

# Rhode Island

Year	War	Class I Provisions	Class II Provisions
1620			
1625			
1630			
1635	1637 PEQUOT		
1640			
1645		(94) 1647	
1650			
1655			
1660			
1665		(582) 1665	
1670			
1675	1673 DUTCH 1674 KING PHILIP'S 1678		
1680			
1685			
1690	1689 KING WILLIAM'S 1697		
1695			
1700	1702 QUEEN ANNE'S 1713		
1705			
1710			
1715			
1720		(588) 1718	
1725			
1730			
1735			
1740	1739 SPAIN 1744 KING GEORGE'S 1748		
1745			
1750			
1755	1755 FRENCH and INDIAN 1763		(590, 591) 1757
1760			
1765			
1770			
1775	1775 REVOLUTION 1783	(118) 1779	(594, 115, 116, 117) 1777 (595) 1778 (618, 621) 1780 (596, 597, 121) 1781
1780			
1785			
1790		(125) 1793	
1795			
1800		(465) 1798	

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1636. Providence Plantations founded by Roger Williams.

1639. Newport founded.

1643. Royal patent for Providence Plantations consisting of Newport, Providence, Portsmouth (and Warwick).

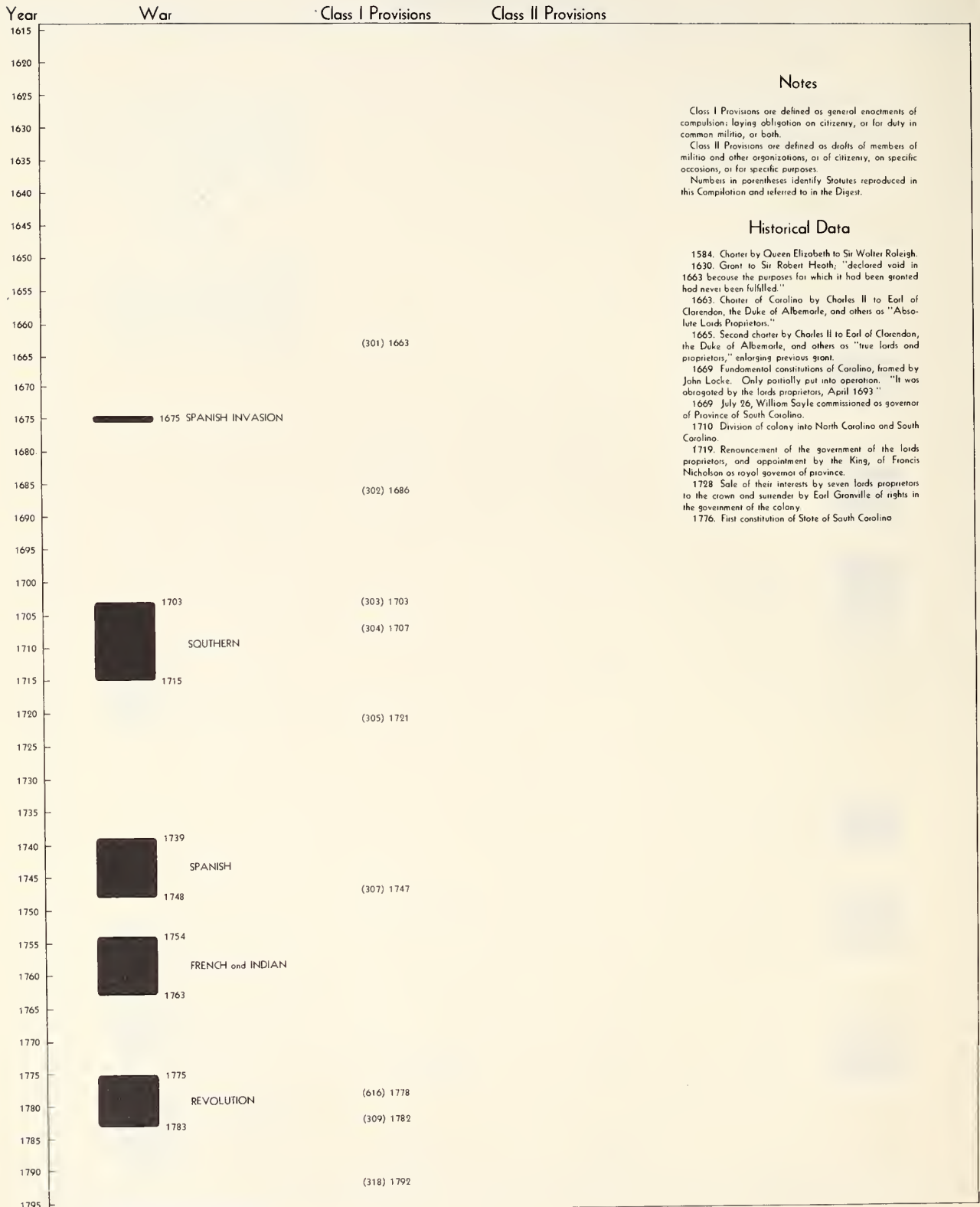
1655. Patent confirmed by Oliver Cromwell.

1663. Charter by King Charles II, of Rhode Island and Providence Plantations.

1686-89. Usurpation of Sir Edmond Andros.

# South Carolina

(AND SEE NORTH CAROLINA)



## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1584. Charter by Queen Elizabeth to Sir Walter Raleigh.  
1630. Grant to Sir Robert Heath; "declared void in 1663 because the purposes for which it had been granted had never been fulfilled."

1663. Charter of Carolina by Charles II to Earl of Clarendon, the Duke of Albemarle, and others as "Absolute Lords Proprietors."

1665. Second charter by Charles II to Earl of Clarendon, the Duke of Albemarle, and others as "true lords and proprietors," enlarging previous grant.

1669. Fundamental constitutions of Carolina, framed by John Locke. Only partially put into operation. "It was abrogated by the lords proprietors, April 1693."

1669. July 26, William Sayle commissioned as governor of Province of South Carolina.

1710. Division of colony into North Carolina and South Carolina.

1719. Renunciation of the government of the lords proprietors, and appointment by the King, of Francis Nicholson as royal governor of province.

1728. Sale of their interests by seven lords proprietors to the crown and surrender by Earl Granville of rights in the government of the colony.

1776. First constitution of State of South Carolina

# Virginia

(AND SEE MASSACHUSETTS)

Year War Class I Provisions Class II Provisions

1605	1607 INDIAN		
1610			
1615			
1620	1622 INDIAN		
1625			
1630		(371) 1629	
1635			
1640	1638 INDIAN		
1645	1644 INDIAN		
1650	1651 ENGLISH INVASION		
1655			
1660			
1665			
1670			
1675	1675 SUSQUEHANNOCK EXPEDITION 1677 BACON'S REBELLION		(379) 1675
1680			
1685	1682 TOBACCO CUTTING RIOTS 1684 PIRACY		(381) 1682 (386) 1684
1690	1689		
1695	KING WILLIAM'S		
1700	1697 1699 PIRACY 1701		
1705	QUEEN ANNE'S	(387) 1705	
1710			
1715	1713 1715 EXPEDITION TO SOUTH CAROLINA		
1720	1718 PIRACY (Blackbeard)		
1725		(389) 1723	
1730			
1735		(393) co. 1737	
1740	1741 CARTHAGENA EXPEDITION		
1745	1746 CANADIAN EXPEDITION 1748 (King George's War)		
1750			
1755	1754 GREAT MEADOWS 1755	(398) co. 1752 (401) co. 1753	(399, 400) 1755 (403) 1756
1760	FRENCH and INDIAN	(403, 404) 1756 (406) co. 1757	
1765	1763 1764 PONTIAC'S		
1770			
1775	1774 LORD DUNMORE'S 1775	(420, 423) 1777	(416) 1775 (419) 1776 (422, 424) 1777 (424) 1778 (426) 1779
1780	REVOLUTION		(428, 429, 431, 433, 432) 1780
1785	1783	(436) 1784	

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

Dates preceded by "ca." are approximate.

## Historical Data

1584. Grant to Sir Walter Raleigh.

1606. First charter of Virginia by King James I dated April 10, 1606.

1609. Second charter of Virginia.

1611-12. Third charter of Virginia (covering islands off the coast).

1776. Virginia bill of rights adopted June 12.

1776. June 29, First constitution of Virginia.

1781-87. Cession of western lands excepting "Virginia Military Lands."



# Digest of Enactments

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
632	Connecticut	Chas. II	Westminster, England.	1662	Charter	Delegation of power.	Officers	To array, etc.	
22	do	Court	Watertown	Sept. 1, 1636	Order	Compulsory	Every plantation	Shall train	5s. fine for absence.
23	do	do	Hartford	Mar. 8, 1637	do	do	Above 16	Shall bear arms	
20	do	do	do	1638	do	do	do	Shall bear arms and be trained.	2s. 6d. per default.
24	do	General Court	do	Sept. 17, 1642	do	do	Clerk of train band	Give an exact list of all train men from 16 to 60 to town deputies.	
25	do	do	do	Nov. 10, 1643	do	do	All soldiers in the several towns.	Shall be trained	2s. 6d. per default.
30	do	do	do	Mar. 1650	do	do	Above 16	Shall bear arms . . . shall be trained.	Discretion magistrates and 2s. 6d. per default and distraint.
26	do	do	do	May 15, 1651	do	Exemption	One person in each quarter in remote towns.	May tarry at home on each training day for local safety.	
8	do	do	New Haven	1656	do	Compulsory	Every male from 16 to 60.	Shall be armed and equipped . . . and shall be trained.	5s. per default.
27	do	do	do	May 20, 1658	do	Exemption	Seafaring men	Shall be freed from training.	
28	do	Court of Election.	Hartford	May 17, 1660	do	do	Indians and Negro servants.	Shall not be required to train.	
29	do	General Assembly.	do	Oct. 13, 1664	do	Compulsory	Any officer or soldier	Refusing or failing to attend exercises.	2s. per defect.
31	do	General Court.	do	July 6, 1665	do	do	Each plantation . . . Committee appointed by the court.	To act according to their powers given for defense.	
32	do	General Assembly.	do	July 26, 1666	do	do	Soldiers	If neglect to attend on alarm.	£5 fine, imprisonment, or corporal punishment.
33	do	do	do	Oct. 10, 1667	do	Grant of authority.	County Committee of Safety.	May send warrants to raise dragoons.	
34	do	General Court.	do	Aug. 7, 1673	do	Delegation of Power.	Grand committee	Shall appoint aid to defend.	
35	do	Grand committee.	do	Aug. 11, 1673	do	Compulsory	Plantation Constables	Choose persons to march.	
36	do	General Court.	do	Nov. 26, 1673	do	do	Muster masters	Those . . . to appear before.	5s. per defect.
484	do	do	do	do	do	do	All males 16 to 60	Shall bear arms	Do.
43	do	Governor and Council.	do	Jan. 1675	do	do	County assistants	Men be raised	
39	do	do	do	Aug. 6, 1675	do	do	County commissioners.	To raise dragoons	
37	do	General Court.	Hartford	Oct. 14, 1675	do	do	Each county	To raise men	

40	.....do.....	Governor and Council.	.....do.....	Nov. 22, 1675.	.....do.....	Military officers.....	To press men.....
41	.....do.....	.....do.....	.....do.....	Nov. 23, 1675.	.....do.....	County assistants and commissioners.	To raise men.....
42	.....do.....	.....do.....	.....do.....	Nov. 26, 1675.	.....do.....	Forces raised.....	Doc march.....
38	.....do.....	Court of Election.	.....do.....	May 10, 1677.	.....do.....	Veteran commissioned officers and sergeants.	Be present at training...
45	.....do.....	Governor and Council.	Boston.....	Mar. 24, 1687.	Act.....	Above 16.....	Will not remain unlisted, etc.
469	.....do.....	General Court.	Hartford.....	Apr. 6, 1690.	Order.....	2-foot companies.....	Be raised for Albany...
46	.....do.....	.....do.....	.....do.....	Apr. 11, 1690.	.....do.....	Male whites above 16..	Shall serve on military watch.
470	.....do.....	.....do.....	.....do.....	Oct. 9, 1690.	.....do.....	Soldiers.....	Bring arms to meeting..
471	.....do.....	.....do.....	.....do.....	Oct. 13, 1692.	.....do.....	Chief military officer...	To call forth soldiers to train.
472	.....do.....	.....do.....	.....do.....	Oct. 18, 1696.	.....do.....	Soldiers.....	To come equipped to train.
47	.....do.....	Court of Election.	.....do.....	May 12, 1698.	Act.....	.....do.....	Forbidden to change company affiliation.
485	.....do.....	General Court.	.....do.....	.....do.....	.....do.....	Males 16 to 60.....	Shall bear arms.....
48	.....do.....	General Assembly.	Hartford.....	Mar. 15, 1703.	.....do.....	Sergeant majors to constables.	Shall press sufficient able men by warrants.
473	.....do.....	.....do.....	New Haven.....	Oct. 12, 1704.	.....do.....	Captains and other officers.	Shall transmit names of soldiers impressed.
49	.....do.....	.....do.....	Hartford.....	May 10, 1705.	.....do.....	.....do.....	Shall transmit names of soldiers impressed.
474	.....do.....	.....do.....	New Haven.....	Oct. 9, 1707.	.....do.....	Committee of War.....	Full power to impress by warrants to constables.
475	.....do.....	.....do.....	.....do.....	Oct. 14, 1708.	Order.....	Military persons.....	Deserting the lists.....
50	.....do.....	.....do.....	.....do.....	.....do.....	Act.....	Above the age of 55....	Released out of trainbands.
51	.....do.....	.....do.....	.....do.....	Oct. 13, 1709.	.....do.....	Chief Regimental Militia officers.	Shall issue warrants for impressment.
476	.....do.....	.....do.....	.....do.....	Aug. 4, 1710.	.....do.....	Everyone impressed....	Shall appear.....
52	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	300 men for expedition to Port Royal.	Be raised.....
477	.....do.....	.....do.....	New London...	June 19, 1711.	.....do.....	Train band clerks.....	Give annual accounts of lists.
478	.....do.....	.....do.....	New Haven...	Oct. 11, 1711.	.....do.....	Train band officers.....	Shall draw centinels....
54	.....do.....	.....do.....	.....do.....	May 8, 1712.	.....do.....	Unintentionally absent from muster.	Judges release from penalty.
55	.....do.....	.....do.....	.....do.....	Oct. 14, 1714.	Resolve.....	Train band centinels...	Shall attend muster....
1	.....do.....	General Court.	.....do.....	.....do.....	Act.....	Surgeons and officers...	Must sign certificates...
2	.....do.....	.....do.....	.....do.....	1715.....	.....do.....	Males 16 to 60.....	Shall bear arms and attend exercises.
3	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Chief Regimental officers.	Shall issue warrants to impress.
						Captains or other officers of soldiers impressed.	Transmit lists to next superior.

Same as military officers.  
4os. per each 6 weeks.

5s. per default.

2s. per default.

4os. per default.

2s. for each defect.

As other law of impressment directs.  
The utmost penalty of the law.

£20.

£5.

2os.

£20.

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
4	Connecticut...	General Court.			Act.	Voluntary and compulsory.	Captains.	Require appearance and draw and enroll.	
5	do.	do.			do.	Compulsory.	Every centinel.	To attend musters.	
56	do.	Governor and Council.	Hartford.	Aug. 19, 1723.	Orders and resolves.	do.	Various.	Measures against the Indians.	£10 or 3 mos. prison.
57	do.	do.	do.	Apr. 26, 1725.	Resolves.	do.	Majors.	To issue warrants for men.	
58	do.	General Assembly.	New Haven.	Oct. 14, 1725.	Act.	Grant of authority.	Governor and Commissioner of War.	To impress and send forth.	
59	do.	do.	do.	Oct. 13, 1726.	Resolves.	Compulsory.	Men.	Be raised.	
61	do.	Governor to Board of Trade.		Sept. 9, 1730.	Answers.	Militia lists or muster rolls of trainbands show	8,500 men 16 to 55.		
60	do.	General Assembly.	Hartford.	May 13, 1731.	Act.	Exemption.	Attorneys.	From bearing arms, etc.	
9	do.	General Court.	New Haven.		do.	Penalty.	Under-military officers.	Shall neglect.	10s. to 15s.
62	do.	General Assembly.	Hartford.	May 13, 1736.	do.	Exemption.	Centinels above 50.	Released from train bands.	
10	do.	General Court.	New Haven.	Oct. 13, 1737.	do.	Penalty.	Troopers, foot soldiers.	Neglect of training.	12s. 6s, respectively.
11	do.	do.	do.	Oct. 11, 1739.	do.	Organizing.	Militia.	Prescribing units, commanders, powers.	
16	do.	General Assembly.	Hartford.	May 14, 1741.	do.	Compulsory.	Males 16 to 50.	Shall bear arms.	12s.
64	do.	do.	do.	June 5, 1741.	do.	do.	do.	Bear arms and attend exercises.	
65	do.	do.	do.	May 10, 1744.	do.	Grant of power.	Commissioner of War.	Impowered to impress.	
66	do.	do.	New Haven.	Oct. 11, 1744.	do.	do.	Hartford Council of War.	do.	
67	do.	do.	Hartford.	May 9, 1745.	Resolve.	do.	do.	Impowered to raise.	
68	do.	do.	do.	June 5, 1747.	Act.	Penalty.	Foot soldiers.	Not attending viewing.	3s.
14	do.	do.	New Haven.	Oct. 11, 1744.	do.	Grant of power.	Council of War.	Impowered to impress.	20s.
90	do.	do.	do.		do.	Compulsory.	Males 16 to 50.	Shall bear arms and attend exercises.	3s.
91	do.	do.	do.		do.	Enforcement.	Captains, etc.	May grant distress.	
12	do.	General Court.	New Haven.	Oct. 1755.	do.	do.	16 to 50.	Prevents evasion by transfer, etc.	
13	do.	do.	do.	Oct. 1756.	do.	do.	Chief officers.	Clarifies and confirms powers of control.	
70	do.	General Assembly.	do.	Mar. 8, 1758.	Resolve.	Voluntary.	5,000 men for invasion of Canada.	"His Majesty's Pleasure."	
71	do.	do.	Hartford.	May 11, 1758.	do.	Compulsory.	do.	Since Voluntary Act of Mar. 8 ineffective.	
72	do.	do.	do.	Mar. 8, 1759.	do.	do.	3,600 men for Crown Point.	"The King's Pleasure".	



489	do	do	New Haven	Oct. 1773	do	Enforcement	Who have suffered penalties for neglect of military duty. Quota for Continental Army.	Warrants may be issued against body or property. Prevents loss of men.	2s.
17	do	do	Hartford	May 1773	Act	Embargo on Privateers. Organizing	Of trainbands. Militia	Sets training periods	
479	do	do	New Haven	Oct. 1774	do	Voluntary			
74	do	do	Hartford	Apr. 26, 1775	do				
89	do	do	do	May 1775	do	Disciplinary	Soldiers	Prescribes regulations including desertion.	
75	do	do	do	July 1, 1775	do	Voluntary	1,400 men		
76	do	Governor and Council of Safety.	do	Aug. 7, 1775	Advice to Governor	Draft	Militia		
480	do	General Assembly.	New Haven	Oct. 11, 1775	Act	Enforcement	Chief officers	View arms and persons subject to bearing arms.	10s.
481	do	do	do	Dec. 14, 1775	do	Voluntary	Minute men	1/4 militia selected	
77	do	do	Middletown	Dec. 18, 1776	do	Organizing	In regiments		
78	do	Governor and Council of Safety.	do	Mar. 18, 1777	Resolve	Voluntary	Townsmen	Sets enlistment quotas	
79	do	do	do	Apr. 12, 1777	Resolve and proclamation.	Voluntary and compulsory	For Continental Army	Provides draft after ineffectiveness of March 18 resolve.	
80	do	General Assembly.	Hartford	May 8, 1777	Act	Compulsory	Militia alarm list	Provides for substitutes and draft.	
18	do	do	do	May 1777	do	Nullification	Securing substitutes	Certificates secured by fraud.	
81	do	do	do	Jan. 8, 1778	Resolve	Voluntary and compulsory.	Able-bodied subject to military service.	Peremptory detachment.	
82	do	do	do	Apr. 7, 1779	do	Voluntary and discretionary.	600 men	Provides for necessary steps if volunteers wanting.	
83	do	do	do	May 13, 1779	Act	Voluntary and compulsory.	800 men	Provides bounties	
482	do	do	do	do	do	Enforcement	Military officers	Provides various fines for derelictions in drafting.	
483	do	do	do	Jan. 6, 1780	Resolve	Grant of authority.	Governor and Council of Safety.	Impoverished with peremptory detachment.	
84	do	do	do	May 11, 1780	do	Voluntary and compulsory.	2,520 men	Raised by peremptory detachment.	
85	do	do	do	Oct. 12, 1780	Act	Voluntary and directed substitute.	4,248 men	Each "class" on list to provide.	
86	do	do	do	May 10, 1781	Resolve	Voluntary and compulsory.	1,500 men	For General Washington and 1/6 State quota.	
87	do	do	do	do	Act	Enforcement	Quotas from towns	As directed.	
88	do	do	do	Jan. 10, 1782	do	Enforcement by compulsion.	do	Towns to make accounting.	
6	do	do	do	do	do	Compulsory	Males 15 to 45	Shall constitute the military force of this State.	
331	Delaware	Assembly	do	1741	do	do	Every freeholder. Males 17 to 50.	Be armed. Be enlisted.	5s.

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
631	Delaware.....	Assembly .....	.....	1756.....	Act.....	Compulsory ..	Males 17 to 50.....	Shall enlist.....	5s.
333	.....do.....	.....do.....	.....	Nov. 5, 1757..	.....do.....	.....do.....	.....do.....	.....do.....	5s. and 7s. 6d. each 3 months.
332	.....do.....	General As- sembly.....	Dover.....	June 4, 1785..	.....do.....	.....do.....	Males 18 to 50.....	Shall attend.....	4s. per neglect.
321	Georgia.....	.....do.....	Louisville.....	Jan. 18, 1755..	.....do.....	.....do.....	Males 16 to 60.....	Arm and array and be enlisted.	3s.
328	.....do.....	.....do.....	.....do.....	July 28, 1757..	.....do.....	.....do.....	White males above 16... Colonels, etc.....	Shall bear arms.....	
322	.....do.....	.....do.....	.....do.....	Mar. 15, 1758..	.....do.....	Grant of au- thority.....	.....do.....	To prescribe muster days.	
324	.....do.....	.....do.....	.....do.....	Apr. 24, 1760..	.....do.....	.....do.....	Officers.....	To list and organize.	
323	.....do.....	.....do.....	.....do.....	May 29, 1764..	.....do.....	Extension.....	.....do.....	Extends 1755 act to Jan. 1, 1765, and end of next session.	
329	.....do.....	.....do.....	.....do.....	Mar. 25, 1765..	.....do.....	Grant of au- thority.....	Governor.....	Assemble males 16 to 60, arm, and organ- ize.	
330	.....do.....	.....do.....	.....do.....	Mar. 6, 1766..	.....do.....	Compulsory...	Every white male in- habitant liable to bear arms.	Carry arms to church...	
325	.....do.....	.....do.....	.....do.....	Sept. 29, 1773..	.....do.....	Grant of au- thority.....	Governor.....	Assemble, form, lead in insurrection males 16 to 60.	
326	.....do.....	.....do.....	.....do.....	Nov. 15, 1778..	.....do.....	.....do.....	Males 15 to 60.....	.....do.....	
604	.....do.....	.....do.....	.....do.....	Aug. 5, 1782..	.....do.....	Compulsory...	Designated by name...	Compelled to serve as continental soldiers.	
327	.....do.....	.....do.....	.....do.....	Feb. 26, 1784..	.....do.....	Grant of au- thority.....	Governor.....	Assemble, lead, employ all males 16 to 50 in any county or district.	
334	Maryland.....	King Chas. I.....	Westminster, England.	June 20, 1632..	Charter.....	.....do.....	Baron of Baltimore.....	Grants in agricultural tenure but gives pow- er to summon and ar- ray, all men in Mary- land, to wage war, pursue, vanquish, captivate, decapitate, save, etc.	
350	.....do.....	General As- sembly.....	St. Marys.....	Mar. 1698.....	Act.....	Compulsory...	Housekeepers.....	Have ready arms for each one able to bear.	Amercement 30 pounds tobac- co.
349	.....do.....	.....do.....	.....do.....	Oct. 1654.....	.....do.....	.....do.....	16 to 60.....	Send quota from each hundred.	According to the offense.
351	.....do.....	.....do.....	.....do.....	Apr. 1661.....	.....do.....	Grant of au- thority.....	Officers of train bands..	Be provided arms. Of- ficers to view, exer- cise, employ.	
352	.....do.....	.....do.....	.....do.....	May 1676.....	.....do.....	.....do.....	.....do.....	Power to enlist, muster, exercise, train, per- sons 16 to 60.	Enlistees, 50 pounds tobac- co annually.
353	.....do.....	.....do.....	.....do.....	Oct. 1678.....	.....do.....	.....do.....	.....do.....	.....do.....	Do. Enlistees 100 pounds of to- bacco.

354	do.	do.	do.	do.	Aug. 1681.	do.	do.	do.	do.	do.	do.	do.	do.	do.	do.	do.	Do.
355	do.	do.	do.	do.	May 1692.	do.	do.	do.	do.	May 1692.	do.	do.	do.	do.	do.	do.	Do.
364	do.	do.	do.	do.	1694.	do.	do.	do.	do.	1694.	do.	do.	do.	do.	do.	do.	Do.
365	do.	do.	do.	do.	do.	do.	do.	do.	do.	May 1695.	do.	do.	do.	do.	do.	do.	Do.
356	do.	do.	do.	do.	do.	do.	do.	do.	do.	June 28, 1699.	do.	do.	do.	do.	do.	do.	Do.
358	do.	do.	do.	do.	do.	do.	do.	do.	do.	May 13, 1701.	do.	do.	do.	do.	do.	do.	Do.
357	do.	do.	do.	do.	do.	do.	do.	do.	do.	May 1, 1704.	do.	do.	do.	do.	do.	do.	Do.
358½	do.	do.	do.	do.	do.	do.	do.	do.	do.	Oct. 3, 1704.	do.	do.	do.	do.	do.	do.	Do.
630	do.	do.	do.	do.	do.	do.	do.	do.	do.	Dec. 5-6, 1704.	do.	do.	do.	do.	do.	do.	Do.
359	do.	do.	do.	do.	do.	do.	do.	do.	do.	Dec. 17, 1708.	do.	do.	do.	do.	do.	do.	Do.
360	do.	do.	do.	do.	do.	do.	do.	do.	do.	Nov. 11, 1709.	do.	do.	do.	do.	do.	do.	Do.
366	do.	do.	do.	do.	do.	do.	do.	do.	do.	1711.	do.	do.	do.	do.	do.	do.	Do.
362	do.	do.	do.	do.	do.	do.	do.	do.	do.	1714.	do.	do.	do.	do.	do.	do.	Do.
335	do.	do.	do.	do.	do.	do.	do.	do.	do.	June 3, 1715.	do.	do.	do.	do.	do.	do.	Do.
361	do.	do.	do.	do.	do.	do.	do.	do.	do.	May 14, 1719.	do.	do.	do.	do.	do.	do.	Do.
363	do.	do.	do.	do.	do.	do.	do.	do.	do.	1719.	do.	do.	do.	do.	do.	do.	Do.
336	do.	do.	do.	do.	do.	do.	do.	do.	do.	June 8, 1719.	do.	do.	do.	do.	do.	do.	Do.
337	do.	do.	do.	do.	do.	do.	do.	do.	do.	Nov. 3, 1722.	do.	do.	do.	do.	do.	do.	Do.
338	do.	do.	do.	do.	do.	do.	do.	do.	do.	Apr. 12, 1733.	do.	do.	do.	do.	do.	do.	Do.
367	do.	do.	do.	do.	do.	do.	do.	do.	do.	May 22, 1756.	do.	do.	do.	do.	do.	do.	Do.
368	do.	do.	do.	do.	do.	do.	do.	do.	do.	Feb. 23-May 22, 1756.	do.	do.	do.	do.	do.	do.	Do.

<sup>1</sup> Continues all previous security enactments till "end of next sessions of assembly."



# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
348	Maryland	General Assembly (lower house)		Dec. 1, 1757	Act.	Grant of authority.	To governor to enlist 300 Ranger volunteers, etc.	Also to draft from a cadre of 500 men.	
347	do	Governor		May 5, 1758	Message set out in proceedings of Assembly (lower house).	Justification of his acts.		Contents that the act of 26 Apr. 1715 ordering and regulating the militia is in effect and gives him authority to act as he did.	
341	do	General Assembly.	Annapolis	June 16-29, 1777.	Act.	Entry in this codification of 1787.		Ch. XVII vacant, formerly containing act to regulate the militia, expired in 1785. For various acts done including absence from service.	
340	do	do	do	Oct. 31-Dec. 3, 1777.	do	Indemnity.	Various.	Ch. XXI vacant, noting expiration.	
339½	do	do	do	Oct. 31-Dec. 3, 1777.	do	Entry in this codification of 1787.		Ch. V vacant, but note therein.	
339	do	do	do	Mar. 17-Apr. 22, 1778.	Law.	do		Ch. XIII vacant, noting expiration.	
342	do	do	do	Mar. 17-Apr. 22, 1778.	Act.	do		Ch. III vacant, noting it as supplementary to militia act which has expired.	
344	do	do	do	June 12-July 5, 1780.	do	do		Into the old battalions of State's Continental quota.	
606	do	do	do	Oct. 1780.	do	Draught.	Regimental N. C. O. S. and privates extraordinary.	To raise 1,000 men of States quota. To procure recruits.	
607	do	do	do	Oct. 1780.	do	Forced substitutes by classes and draught.	As classed by military officers.	To the act to procure recruits.	
343	do	do	do	Feb. 2-Oct. 17, 1781.	do	Supplement.		Ch. XV digested. An act to raise 2 BNS militia.	
345	do	do	do	May 10-June 27, 1781.	do	Entry in this codification of 1787.		To raise £20,000.	
605	do	do	do	1781.	do	Financing recruiting and draught.		To revive and continue acts regulating militia, etc. Note says act of 1784 did likewise.	
346	do	do	do	Nov. 3-Dec. 26, 1783.	do	Revival entry in this codification of 1787.			

542	Massachusetts (Bay).	Court of Assistants.	Boston.....	Apr. 12, 1631.	Order.....	Compulsory....	Various.....	Orders watches. Requires powder to each muskettman. Orders companies to train. Shall train companies once a month. Shall be subject to military training and exercise of arms. ....do.....	5s.
543	.....do.....	Court.....	.....do.....	Nov. 7, 1632..	.....do.....	.....do.....	Captains.....	.....do.....	
534	Massachusetts (Plymouth).	General Court.	.....do.....	Jan. 2, 1633...	.....do.....	.....do.....	Every person in colony.	.....do.....	
490	.....do.....	Governor and Council.	.....do.....	July 1, 1633..	.....do.....	.....do.....	.....do.....	.....do.....	
544	Massachusetts (Bay).	Court.....	Boston.....	Oct. 1, 1633..	.....do.....	.....do.....	Trained soldiers.....	If absent from training.	
546	.....do.....	General Court.	Newtown.....	Mar. 4, 1634..	.....do.....	Grant of ple- nary powers.	Military committee....	To execute the military laws and do what ever needed for defense.	
545	.....do.....	.....do.....	.....do.....	Sept. 3, 1634..	.....do.....	Compulsory....	Constables.....	Issue warrants for fort workmen.	
535	Massachusetts (Plymouth).	.....do.....	.....do.....	Mar. 2, 1635..	.....do.....	.....do.....	Captains.....	Train bands once a month.	
500	.....do.....	.....do.....	.....do.....	1636.....	Law.....	.....do.....	Military Committee....	Manage war for 1 year.	Default of trainee, 3s.
496	.....do.....	.....do.....	Plymouth.....	Sept. 1, 1640..	.....do.....	.....do.....	Plantations.....	Divide arms.....	
492	.....do.....	.....do.....	.....do.....	Sept. 6, 1642..	Act.....	.....do.....	Mr. Edward Tomlyns....	Power to press men.....	
547	Massachusetts (Bay).	.....do.....	Boston.....	Sept. 8, 1642..	Order.....	Enforcement..	Captain Myles Standish, etc.	To teach use of arms...	
548	.....do.....	General Court of Elections.	.....do.....	Sept. 7, 1643..	.....do.....	Grant of power.	Military Committee....	Prescribe training.....	
536	Massachusetts (Plymouth).	General Court.	Plymouth.....	Aug. 29, 1643.	.....do.....	Disciplinary...	Servants or single persons,	Will not keep house until provided with arms.	
537	.....do.....	.....do.....	.....do.....	Oct. 10, 1643..	.....do.....	Compulsory...	Governor and assistants.	To press in king's name by warrant to constables.	
549	Massachusetts (Bay).	Court of Election.	Boston.....	May 14, 1645.	.....do.....	.....do.....	Fit and able inhabitants of every town.	Be trained 6 times a year.	

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
550	Massachusetts (Bay).	Court of Election.	Boston	May 1645	Order	Compulsory	Sergeants major All inhabitants	To be elected. To have arms, watch, and train.	
507	do.	General Court.	do.	do.	Act.	Grant of power.	Governor and Council.	To raise, transport, march militia anywhere without their consent.	
551	do.	do.	do.	Aug. 12, 1645	Order	Compulsory	Towns persons	Watch and ward ordered.	
							Scouts Chief commanders	Sent out daily. Appoint 30 soldiers ready at ½ hour's warning.	
554	do.	General Court of Elections.	do.	do.	Resolve	Declaration	Commissioners of United Colonies.	A presse be sent out to raise soldiers. Issued an illegal presse.	
601	do.	General Court.	Cambridge	1645	Act	Compulsory	Sergeants major	To be elected.	
493	Massachusetts (Plymouth).	do.	Plymouth	1646	do	Enforcement	Military officers	Appoint days for training, prescribe arms.	
552	Massachusetts (Bay).	do.	Boston	1647	do	do	Townships	Nominate military officers.	
538	Massachusetts (Plymouth).	do.	Plymouth	Apr. 6, 1653	Orders	Grant of power, etc.	Military officers	Appoint days of training, command in emergency.	
556	Massachusetts (Bay).	General Court of Election.	Boston	May 27, 1652	Order	Preparedness organizing.	Council of War	Power to issue out warrants to press.	
602	do.	General Court.	do.	Codification of '52, '53, '54, '55, '56	do	Organizing	Foot companies	"Whereas time of peace gives liberty therunto . . . must have 64 persons."	5s.
557	do.	do.	do.	Aug. 30, 1653	do	Enforcement	All above 16	Shall duly attend at military exercises, etc.	
							Various	Millers, boatmen, fishermen shall train. Troopers shall attend expeditions.	
559	do.	General Court of Election.	do.	May 3, 1654	Declaration	Nullification	Town Committee of Militia.	Warrants for impressing go to town committees.	
560	do.	do.	do.	May 14, 1656	Order	Enforcement	Negroes and Indians No persons exempt Householders	Has power to suppress raising of soldiers not authorized by the government. Not to be trained. Unless by special law Are electors of military officers.	

501	Massachusetts (Plymouth).	.....do.....	Plymouth.....	1657.....	.....do.....	Compulsory...	Township military companies. Council of War.....	Shall bring their arms to meeting. Shall have power to issue warrants in his majesty's name to press. Neglecting to present list of those without arms at meetings. Freed from watch and ward.	12d. per default.
498	.....do.....	.....do.....	New Plymouth.	1658.....	.....do.....	.....do.....	.....	.....	.....
502	.....do.....	.....do.....	.....do.....	June 10, 1660.	Act.....	Enforcement compulsory.	Squadron overseers....	.....	£3.
562	Massachusetts (Bay).	.....do.....	Boston.....	May 22, 1661.	Order.....	Exemption....	Various.....	.....	.....
495	Massachusetts (Plymouth).	.....do.....	New Plymouth.	1662.....	Act.....	Penalty.....	Foot soldiers.....	Absence from training..	5s. per day.
561	Massachusetts (Bay).	.....do.....	Boston.....	Oct. 19, 1664..	Order.....	.....do.....	All liable to constables' watches. Constables.....	Shall be liable to military watches. To collect fines for absences from training. Nothing to excuse absence from general muster.	5s. per neglect.
494	Massachusetts (Plymouth).	.....do.....	.....do.....	1664.....	.....do.....	Enforcement..	.....	.....	.....
563	Massachusetts (Bay)	.....do.....	Boston.....	May 1665.....	.....do.....	.....do.....	.....	His majesty's authority to prevail in pressing soldiers.	.....
603	.....do.....	.....do.....	.....do.....	May 23-Oct. 11, 1666.	.....do.....	.....do.....	Major general and majors.	Diligent inquiry into defects of companies and power to correct.	£5 per defect.
499	Massachusetts (Plymouth).	.....do.....	New Plymouth.	1669.....	Act.....	Exemption....	Fathers of 3 sons bearing arms.	Freed from the service if 3 of Council of War see cause.	.....
491	.....do.....	.....do.....	.....do.....	June 6, 1671..	.....do.....	Grant of powder.	Council of War.....	In pressing of men.....	.....
539	.....do.....	.....do.....	.....do.....	July 8, 1671...	Order.....	Compulsory...	100 men.....	Be pressed.....	.....
503	Massachusetts (Bay).	.....do.....	Boston.....	1671.....	.....do.....	.....do.....	Above 16.....	Shall duly attend all military exercise and service.	.....
564	.....do.....	.....do.....	.....do.....	1672.....	.....do.....	Penalty enforcement.	Committee.....	To press soldiers.....	Riding the wooden horse, bilboes, lying neck and heels.
599	.....do.....	.....do.....	.....do.....	1658 Code includes '49, '52, '53, '54, '56 laws.	.....do.....	Compulsory...	Above 16.....	Delinquent in arms or training.	5s. per default.
566	.....do.....	.....do.....	.....do.....	Jan. 6, 1673...	.....do.....	Explanation...	.....	Attend military exercise and service.	.....
600	.....do.....	.....do.....	.....do.....	May 7, 1673...	.....do.....	Compulsory...	Fishermen when at home.	"Impressed" means listed, fitted with arms, in readiness for service.	.....
565	.....do.....	.....do.....	.....do.....	Dec. 10, 1673.	.....do.....	.....do.....	620 men.....	Shall attend public training. To be impressed, listed, and armed.	5s.



# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
568	Massachusetts (Bay)	Special General Court.	Boston.....	Feb. 21, 1675.	Order.....	Emendatory..	Majors..... Troopers..... Volunteers..... Guards and garrison soldiers, 100 soldiers at Suffolk.	May march commands out of county. No longer can be impressed by foot soldiers. Subject of martial law... To be improved in scouting and warding. To be impressed. Liable to be impressed as foot soldiers. To impress men as farmers in place of men in service. Absent from expeditions. Not excused from duty... To impress Easternmen... To impress men for war in East. Be impressed.....	Fined respectively £4 and £6.
567	.....do.....	General Court.	.....do.....	Oct. 13, 1675.	.....do.....	Compulsory...	Troopers.....		
569	.....do.....	.....do.....	.....do.....	May 3, 1676.	.....do.....	Enforcement..	Town selectmen.....		
570	.....do.....	.....do.....	.....do.....	Oct. 12, 1676.	.....do.....	.....do.....	Foot soldiers and troopers. Persons moving..... Grant of power.....		
571	.....do.....	.....do.....	.....do.....	June 1, 1677.	.....do.....	.....do.....	Unemployed in Eastern counties.		
497	Massachusetts (Plymouth).	General Court for Elections.	Plymouth.....	June 5, 1677.	Act.....	Exemption....	Commissioned officers of late war.	Not liable for enlisted service. "For the easement of the country" training reduced to 4 days per year.	5s.
572	Massachusetts (Bay).	General Court for Elections.	Boston.....	May 28, 1679.	Order.....	Emendatory..	Foot and horse.....	Excused from one list only when on another. Attend military training. Town quotas set. Shall be pressed.....	
573	.....do.....	General Court.	.....do.....	Oct. 15, 1679.	.....do.....	.....do.....	Persons moving.....	Required to list themselves under a command. Shall have full power to train, instruct, exercise, and govern the militia. Shall bear arms and attend exercises.	According to demerits.
598	Massachusetts (Plymouth).	.....do.....	Plymouth.....	.....do.....	Law.....	Compulsory...	16 to 60.....		
540	.....do.....	.....do.....	New Plymouth.	Aug. 14, 1689.	Order.....	.....do.....	Men to fill quota.....		
541	.....do.....	Court of Assistants.	.....do.....	Apr. 2, 1690.	.....do.....	.....do.....	Soldiers of towns.....		
508	Massachusetts (Bay).	William & Mary.	Westminster, England.	Oct. 7, 1691.	Charter.....	Grant of power.	Governor.....		
437	.....do.....	General Court.	Boston.....	Nov. 22, 1693.	Act.....	Compulsory...	Males 16 to 60.....		Laying neck and heels, riding wooden horse, etc.
438	.....do.....	.....do.....	.....do.....	Nov. 23, 1693.	.....do.....	Penalty.....	Persons liable and fit for service.	When impressed shall attend service on pain of suffering.	3 months prison.

509	.....do.....	.....do.....	June 8, 1697	.....do.....	Enforcement	Military officers	Empowered to put troops in readiness, etc.
443	.....do.....	.....do.....	Mar. 16, 1699	.....do.....	Grant of power.	Chief officer of regiment.	When ordered to impress, grants warrants.
505	.....do.....	.....do.....	1699	.....do.....	Financing	Military officers	To assess units for equipment.
506	.....do.....	.....do.....	1700	.....do.....	Enforcement	.....do.....	Empowered to put troops in readiness, etc.
439	.....do.....	.....do.....	June 27, 1702	.....do.....	.....do.....	Lame persons, etc	Not excused on Surgeon's certificate without their officers approval.
444	.....do.....	.....do.....	Nov. 6, 1702	.....do.....	.....do.....	Military officers	To list ¼ of company men most able as group to press.
440	.....do.....	.....do.....	Sept. 9, 1721	.....do.....	.....do.....	Chief officer of regiment.	When ordered to impress, grants warrants.
441	.....do.....	.....do.....	Dec. 15, 1724	.....do.....	.....do.....	.....do.....	.....do.....
442	.....do.....	.....do.....	June 24, 1738	.....do.....	.....do.....	Delinquent	Makes various provisions relative to fines for absence from training.
445	.....do.....	.....do.....	Jan. 17, 1742	.....do.....	.....do.....	.....do.....	.....do.....
446	.....do.....	.....do.....	June 18, 1744	.....do.....	.....do.....	Chief officer of regiment.	When ordered to impress, grants warrants.
447	.....do.....	.....do.....	Feb. 13, 1746	.....do.....	Revival of former act.	Persons impressed	Shall attend complete with arms.
448	.....do.....	.....do.....	June 24, 1748	.....do.....	Enforcement	Chief officer of regiment.	When ordered to impress, grants warrants.
453	.....do.....	.....do.....	June 23, 1748	.....do.....	Compulsory	Persons in Dorchester, etc. subject to muster and exercise.	To appear at Castle William.
449	.....do.....	.....do.....	Apr. 20, 1753	.....do.....	Enforcement	Chief officer of regiment.	When ordered to impress, grants warrants.
451	.....do.....	.....do.....	Apr. 3, 1755	.....do.....	.....do.....	Liable to muster and warned as prescribed.	Shall punctually attend.
450	.....do.....	.....do.....	Sept. 18, 1755	.....do.....	.....do.....	Persons impressed	Shall attend
452	.....do.....	.....do.....	Feb. 19, 1756	.....do.....	Compulsory	Liable to muster	.....do.....
510	.....do.....	.....do.....	Dec. 1, 1757	.....do.....	Exemption	Members of Regiments.	To raise 1,800 men
454	.....do.....	.....do.....	Jan. 26, 1758	.....do.....	Compulsory	Quakers	From penalty imposed by law.
455	.....do.....	.....do.....	Mar. 25, 1758	.....do.....	Exemption	16 to 60.	Military exercises
						Laborers	From exercise on certain days.

Absentees 6 months imprisonment without bail or £10 fine.  
Do.

Absentees 6 months imprisonment without bail, furnish substitute, or £10 fine.  
Do.

£10 or substitute.  
10s.

Absentees £5 or substitute.  
£20.

£10.  
Absentees £10 or substitute.  
£20.

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
456	Massachusetts (Bay).	General Court.	Boston.	Apr. 26, 1758.	Act.	Compulsory...	All companies.	Muster for expedition and impress to fill quota.	£8.
457	do.	do.	do.	Apr. 28, 1758.	do.	Exemption.	Quakers.	Regimental commander to hire men in lieu of.	Pro rata cost among Quaker population.
458	do.	do.	do.	June 15, 1758-59.	do.	Enforcement.	Officers.	To list absentees and arrest without warrant.	Lose office for failure.
459	do.	do.	do.	Mar. 28, 1759.	do.	Compulsory.	All companies.	Muster for expedition against Canada. Substitutes to be hired for Quakers.	£16.
460	Massachusetts	do.	do.	Feb. 24, 1763.	do.	Exemption.	Quakers.	From penalty of law for nonattendance.	Various.
461	do.	do.	Watertown.	Jan. 22, 1776.	do.	Compulsory (reorganization of all militia laws).	16-50.	Shall constitute training band.	Do.
462	do.	do.	Boston.	Nov. 14, 1776.	do.	Enforcement	16-65.	Shall constitute alarm lists.	Do.
463	do.	do.	do.	Mar. 13, 1778.	do.	do.	1/4 of able-bodied persons above 16 not in militia.	Mustered in readiness. No rank or station in life excuses.	To be held and treated as soldiers.
467	do.	do.	do.	June 12, 1778.	do.	Compulsory.	Ordered detached to march.	Who refuse to march or pay.	Do.
464	do.	do.	do.	Mar. 3, 1781.	do.	do.	1,800 men to defend Massachusetts and Rhode Island.	Shall be enlisted or detached for 6 months.	Various
466	do.	do.	do.	June 1781.	do.	do.	16-50.	Constitute the militia... Detached and by town quotas.	Do.
608	do.	do.	do.	June 16, 1781.	do.	do.	2,700 men.	Proceed to draught....	Held as soldiers if provide no substitutes.
468	do.	do.	do.	1789.	Perpetual Law.	do.	In towns deficient.	Shall constitute train band.	Various.
633	Four United Colonies.	Confederacy.	Boston.	May 19, 1643.	Articles of Confederation.	Agreement.	16-40.	True account and number.	
212	New Hampshire.	Chas. II.	Westminster, England.	Sept. 18, 1679.	Commission.	Delegation of Power.	Males 16 to 60.	Authorize and command... to issue commissions for arraying, mustering, and instructing the inhabitants of New Hampshire.	
243	do.	do.	Whitehall, England.	Apr. 29, 1682.	Instructions.	Compulsory.	Governor.	Arm, muster, train planters and servants.	

213	.....do.....	Westminster, England.	May 9, 1682..	Commis- sion.	Delegation of Power.	.....do.....	Grant power . . . levy armes, muster com- mand or employe all persons, and transfer, ship, and doe every other thing captaines generall hath usually done . . . repell by force of armes and all other fitting wayes and means.
214	.....do.....	Whitehall, England.	Oct. 8, 1685..	.....do.....	Compulsory...	President and Council.	We command . . . issue commissions . . . for arming, mustering, in- structing inhabitants.
215	.....do.....	.....do.....	June 3, 1686..	.....do.....	Delegation of Power.	Governor.....	Grant authority to levy, arme, muster, command, or employ ... transfer ... do and execute all and every other thing of a captain general.
216	.....do.....	Windsor, Eng- land.	Sept. 12, 1686.	Instructions.	Order.....	.....do.....	Arm, list, muster, train planters, merchants and Christian Serv- ants.
217	.....do.....	.....do.....	Mar. 24, 1687.	Act.....	Compulsory...	None above 16.....	Shall remain unlisted, ... mustered, exer- cised.
218	.....do.....	.....do.....	Apr. 7, 1688..	Commission	Delegation of Power.	Governor.....	Grant authority levy, arme, muster, com- mand, employ, etc.
219	.....do.....	Whitehall, England.	Apr. 16, 1688.	Instructions.	Compulsory...	.....do.....	Arme, list, muster, train planters, merchants, and Christian serv- ants.
515	.....do.....	.....do.....	Mar. 19, 1689- 90.	Nomination	Authorization.	4 officers.....	Committee to grant orders and make in- presses.
516	.....do.....	.....do.....	Mar. 21, 1689- 90.	Act.....	Compulsory...	The major general.....	Give warrants to majors to send militia to frontiers.
220	.....do.....	.....do.....	Mar. 22, 1689.	.....do.....	.....do.....	The Committee.....	To impress men for ex- pedition against Nova Scotia.
511	.....do.....	.....do.....	July 1, 1689...	Order.....	.....do.....	240 men.....	Be impressed.....
512	.....do.....	.....do.....	July 2, 1689...	.....do.....	.....do.....	300 men.....	Be raysed and detached ... warrants to offi- cers to impress by quota out of regi- ments.
513	.....do.....	.....do.....	Aug. 23, 1689.	.....do.....	.....do.....	Committee of Militia ..	Direct press master to press as they shall judge meet for their majesty's service.

Various.



## DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
514	New Hampshire.	Governor and Council.	.....	Aug. 31, 1689.	Order .....	Compulsory ..	Capt. Thaxter, Commander Sloop <i>Resolution</i> .	Forthwith impress 40 able men for their majesty's service in said sloop.	
221	.....do.....	William and Mary.	Westminster, England.	Mar. 1, 1692..	Commission.	Grant of authority.	Soldiers of upper farms of Cambridge next Concord. Certain officers.....	Obliged to all duty as occasion shall be.	
222	.....do.....	Governor and Council.	.....	Oct. 7, 1692..	Act. ....	Compulsory...	Males 16 and above....	Power to levy, arm, muster, or employ, residents to resist pyrates and rebels both at sea and land.	Various.
223	.....do.....	William and Mary.	Westminster, England.	June 18, 1697.	Commission.	Delegation of power.	Governor and certain officers.	Will not remain unlisted, etc.	Under law martial.
224	.....do.....	.....do.....	Whitehall, England.	Aug. 31, 1697.	Instructions..	Restriction....	Governor.....	Impressment of Seamen vested exclusively in him.	
226	.....do.....	Anne.....	.....	Apr. 1, 1702..	Commission.	Delegation of Power.	.....do.....	Authority to levy, arm, muster, command, and employ residents.	
225	.....do.....	.....do.....	.....	Apr. 6, 1702..	Instructions.	Compulsory....	.....do.....	To arm, list, muster, train all planters and Christian servants.	
						Restriction.....	.....do.....	Impressment of seamen vested exclusively in him.	Various.
227	.....do.....	General Court.	Portsmouth...	Oct. 6, 1703..	Act. ....	Compulsory....	All able-bodied of Province.	Liable to do duty for 1 year, 10 days, at a time, etc.	
228	.....do.....	General Assembly.	.....	May 25, 1704.	.....do.....	Penalty.....	Absentees from watch and ward at garrison.	.....	3s. per offense, or 1 week labor at Fortress.
229	.....do.....	Geo. I.....	Westminster, England.	Feb. 8, 1715....	Commission.	Delegation of power.	Governor.....	To levy, arm, muster, command and employ all persons of Province, and order out of Province in pursuit. To vanquish, condemn, imprison and execute martial law.	
230	.....do.....	.....do.....	.....	Sept. 8, 1715..	Instructions.	Compulsory....	.....do.....	Arm, list, muster, train planters and Christian servants.	

231	.....do.....	.....do.....	June 15, 1716.	Commission.	Delegation of power.	.....do.....	To levy, arm, muster, command, and employ residents of Province, embark, transport, and order out of Province.	Various.
232	.....do.....	.....do.....	July 18, 1716.	Instructions.	Compulsory.....	.....do.....	Arm, list, muster, train planters and Christian servants.	Do.
233	.....do.....	General Court.	May 14, 1718.	Act.....	.....do.....	Males 16 to 60.	Shall bear arms, attend musters and exercises.	
234	.....do.....	.....do.....	May 2, 1719.	.....do.....	Enforcement..	Soldiers.....	Served with warrants are, impressed, and other provisions.	
235	.....do.....	Geo. II.....	Sept. 7, 1729.	Commission.	Delegation of power.	Governor.....	To levy, arm, muster, command and employ residents of Province, march, embark, transport, and order out of Province, etc.	
236	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory...	.....do.....	To arm, list, muster, and train planters, inhabitants, and Christian servants.	
237	.....do.....	.....do.....	Mar. 20, 1729.	Instructions.	Exemption.....	.....do.....	To give directions to exempt customs officers from appearing in arms in the militia.	
238	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory...	.....do.....	To arm, list, muster, and train planters, inhabitants, and Christian servants.	
239	.....do.....	.....do.....	Dec. 11, 1729.	Commission.	Delegation of power.	.....do.....	To levy, arm, muster, command, and employ, march, embark, transport out of Province, all residents of Province, etc.	Various.
240	.....do.....	General Assembly.	Feb. 25, 1739-40.	Act.....	Penalty.....	Absentees from training.	.....	
241	.....do.....	Westminster, England.	June 4, 1741.	Commission.	Delegation of power.	Governor.....	To levy, arm, muster, command, and employ, march, embark, transport out of Province all residents, etc.	
242	.....do.....	.....do.....	.....do.....	Instructions.	Compulsory...	.....do.....	To arm, list, muster, and train all planters, inhabitants, and Christian servants.	
244	.....do.....	General Assembly.	Feb. 28, 1745.	Act.....	Revival.....	.....	Revives act of Feb. 25, 1739.	5s.
245	.....do.....	Geo. III.....	Apr. 4, 1761.	Commission.	Delegation of powers.	Governor.....	Who neglect duty having been warned.	3s. for neglects to carry arms.
					Enforcement..	Commanding Officers..	To order arms to be carried in time of war.	
					Penalty.....	Persons liable for wardings.	To levy, arm, muster, command, and employ, etc.	

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
246	New Hampshire.	Geo. III . . . .	Westminster, England.	June 30, 1761.	Instructions.	Compulsory . . .	Governor . . . . .	To arm, list, muster, and train planters, inhabitants, and Christian servants.	
247	.....do.....	.....do.....	.....	July 29, 1766.	Commission.	Delegation of powers.	.....do.....	To levy, arm, muster, command, and employ.	
248	.....do.....	.....do.....	.....	Aug. 30, 1766.	Instructions.	Compulsory....	.....do.....	To arm, list, muster, and train all planters, inhabitants, and Christian servants.	
249	.....do.....	General Assembly.	Exeter . . . . .	Feb. 6, 1773.	Act. ....	Exemption ....	Above 50. ....	Not obliged to attend musters and exercises.	All fines to be in current proclamation money.
517	.....do.....	.....do.....	.....do.....	Sept. 19, 1776.	.....do.....	Compulsory reorganization.	16 to 50. ....	Constitute training band.	Various.
609	.....do.....	.....do.....	.....do.....	Jan. 18, 1777.	.....do.....	Compulsory....	Field officers. ....	To issue warrants to draft when necessary.	Refusal or neglect to justify absence and nonpayment of £10 to be held and taken as soldier. Refusal to march £12.
610	.....do.....	.....do.....	.....do.....	June 26, 1779.	.....do.....	Increase of penalty.	Transgressors of act of Jan. 18, 1777.	For £10 in that act	Increase to £50.
518	.....do.....	.....do.....	.....	Mar. 18, 1780.	.....	Compulsory reorganization.	16-50. ....	For £12 in that act....	Increase to £60.
611	.....do.....	.....do.....	.....	June 16, 1780.	.....do.....	Compulsory	600 men . . . . .	Constitute training band.	Various.
612	.....do.....	.....do.....	.....	June 27, 1780.	.....do.....	.....do.....	1,125 men . . . . .	Raised and sent to continental army.	Do.
254	New Jersey. . . .	Lords Proprietor.	.....	Feb. 10, 1664.	Concession and agreement.	Grant of power.	Governor and Council.	For the defense of the United States.	
250	.....do.....	General Assembly.	.....	Nov. 3, 1668.	Act. ....	Compulsory	Soldiers 16 to 60. ....	To place troops, commission officers, muster, train, prosecute war, pursue enemy, suppress rebellion, exercise militia.	
251	.....do.....	.....do.....	Elizabeth Town.	Nov. 5, 1675.	.....do.....	.....do.....	Males 16 to 60. ....	Train to be mustered	Do.
252	.....do.....	.....do.....	.....	Nov. 1, 1679.	.....do.....	.....do.....	.....do.....	Provide themselves with arms.	Do.
253	.....do.....	.....do.....	Elizabeth Town.	Mar. 5-Dec. 5, 1682.	.....do.....	.....do.....	.....do.....	Appear in arms on training days.	Do.
								Provide themselves with arms. Appear in arms on training days.	Do.

	.....do.....	Perth Amboy	Oct. 12-Nov. 3, 1693.	.....do.....	Explanatory...	.....do.....	Number of training days stated in previous act is to be considered minimum.	Additional.
255	.....do.....	.....do.....	Nov. 16, 1702.	Instruc- tions.	Compulsory	Planters, inhabitants, servants, slaves— men, women, chil- dren.	Take census noting number fit to bear arms.	
261	.....do.....	General As- sembly.	Mar. 17, 1713.	Act.....	.....do.....	Captains.....	List men 16 to 50 who to be armed and at- tend under command.	Various.
262	.....do.....	.....do.....	1720.....	.....do.....	.....do.....	.....do.....	.....do.....	Do.
260	.....do.....	Perth-Amboy.	May 7, 1730.	.....do.....	.....do.....	.....do.....	.....do.....	Do.
256	.....do.....	Trenton.	May 8, 1746.	.....do.....	.....do.....	.....do.....	.....do.....	Do.
258	.....do.....	Elizabeth Town.	June 3, 1757.	.....do.....	.....do.....	.....do.....	.....do.....	Do.
257	.....do.....	Burlington....	Dec. 21, 1771.	.....do.....	Extension of Militia Act of 1746.	.....do.....	.....do.....	
519	.....do.....	Haddonfield..	Mar. 15, 1777.	.....do.....	Compulsory...	Captains.....	List men 16 to 50 who to be armed and attend under command.	Do.
520	.....do.....	.....do.....	Sept. 23, 1777.	.....do.....	Compulsory reorganiza- tion.	Captain general.....	Empowered to call into service the militia in invasion or rebellion or to fill quota for continental army.	Do.
522	.....do.....	Trenton.....	June 12, 1779.	.....do.....	Enforcement..	Various.....	Augments fines for re- fusal, default, or ne- glect of duties enacted heretofore.	Do.
521	.....do.....	.....do.....	June 2, 1779.	.....do.....	Compulsory...	1,000 militia.....	Embodied to continue in service to protect inhabitants near enemy lines.	Do.
259	.....do.....	.....do.....	Jan. 8, 1781.	.....do.....	Compulsory reorganiza- tion.	Various.....	Augments fines, etc.....	
634	New York and New Jersey.	Elizabeth Towne.	Nov. 7, 1671..	Resolve....	Compulsory...	16 to 60.....	Be armed.....	
154	New York.....	Ft. James.....	Oct. 27, 1684.	Bill.....	.....do.....	Inhabitants of New- castle, etc.	Be digested into several companies. Though freed from training, keep arms, etc. etc.	Do.
146	.....do.....	.....do.....	.....do.....	Act.....	.....do.....	15 to 16.....	Will not remain un- listed for training and service.	5s. per default.
147 155	.....do..... .....do.....	Note Six (6) on the Military Laws of New York. General As- sembly.	Sept. 15, 1690. ....do.....	.....do.....	Penalty.....	Any chosen, nominated, constituted, ordained, or commissioned to serve in employment, civil or military.	Who shall refuse to ac- cept, receive, or exe- cute.	Amended and fined to pay ye some of seventy five pounds curr't money of this Province.



# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
156	New York.....	General Assembly.	.....	May 6, 1691..	Act.....	Compulsory...	15 to 60.....	Not remain unlisted more than 1 mo. after arrival, be armed, and appear for training.	2os.
148	.....do.....	.....do.....	.....	Sept. 8, 1691..	.....do.....	.....do.....	150 men.....	For 6 mos. for defense at Albany.	Various.
149	.....do.....	.....do.....	.....	Apr. 19, 1692.	.....do.....	.....do.....	200 men.....	.....do.....	Do.
150	.....do.....	.....do.....	.....	Aug. 14, 1692.	.....do.....	.....do.....	220 men.....	For 7 mos. for defense at Albany.	Do.
151	.....do.....	.....do.....	.....	.....do.....	.....do.....	.....do.....	80 men.....	For 2½ mos. for defense at Albany.	As provided in former act this session.
152	.....do.....	.....do.....	.....	Apr. 10, 1693.	.....do.....	Voluntary... Levy.....	300 men.....	To be raised for Albany.	Various.
157	.....do.....	.....do.....	.....	Oct. 18, 1701.	.....do.....	Enforcement..	15 to 60.....	Obtain certificate of listing.	4os.
153	.....do.....	.....do.....	.....	Oct. 1702.....	.....do.....	Compulsory...	16 to 60.....	Not remain unlisted, be armed, and appear.	2os. per mo, etc.
158	.....do.....	.....do.....	.....	Nov. 27, 1702.	.....do.....	.....do.....	.....do.....	Not remain unlisted, be armed, and appear.	Do.
159	.....do.....	.....do.....	.....	June 19, 1703.	.....do.....	Enforcement..	Members of companies.	Not appearing when served in writing 10 days in advance.	£6.
160	.....do.....	.....do.....	.....	May 29, 1706.	.....do.....	Extension of militia act of 1702.	.....	.....	.....
161	.....do.....	.....do.....	.....	Sept. 18, 1708.	.....do.....	.....do.....	.....	.....	.....
162	.....do.....	.....do.....	.....	Sept. 20, 1709.	.....do.....	.....do.....	.....	.....	.....
163	.....do.....	.....do.....	.....	Oct. 30, 1710.	.....do.....	Compulsory...	Unlisted civil officers...	To be listed for guard duty in city.	£6.
164	.....do.....	.....do.....	.....	Nov. 24, 1711.	.....do.....	.....do.....	All inhabitants of county.	Come into the city for defense thereof.	.....
165	.....do.....	.....do.....	.....	Dec. 10, 1712.	.....do.....	Extension of militia act of 1702.	.....	.....	.....
166	.....do.....	.....do.....	.....	July 1, 1713..	.....do.....	.....do.....	.....	.....	.....
167	.....do.....	.....do.....	.....	July 5, 1715..	.....do.....	.....do.....	.....	.....	.....
168	.....do.....	.....do.....	.....	June 30, 1716.	.....do.....	.....do.....	.....	.....	.....
169	.....do.....	.....do.....	.....	May 27, 1717.	.....do.....	.....do.....	.....	.....	.....
170	.....do.....	.....do.....	.....	July 3, 1718..	.....do.....	.....do.....	.....	.....	.....
171	.....do.....	.....do.....	.....	Nov. 19, 1720.	.....do.....	.....do.....	.....	.....	.....
172	.....do.....	.....do.....	.....	July 27, 1721.	.....do.....	Compulsory...	16 to 60.....	Shall not remain unlisted, etc.	2os. per mo.
173	.....do.....	.....do.....	.....	July 24, 1724.	.....do.....	.....do.....	.....do.....	.....	Do.
174	.....do.....	.....do.....	.....	Aug. 31, 1728.	.....do.....	Extension of militia act of 1724.	.....	.....	.....

175	do.	do.	Oct. 17, 1730.	do.	do.	Within 3 mo. of arrival in Colony and within 1 mo. after arrival at 16 shall inlist himself, etc.	10s. and 6s. per mo.
176	do.	do.	Sept. 30, 1731.	do.	do.		
177	do.	do.	Oct. 14, 1732.	do.	do.		
178	do.	do.	Nov. 1, 1733.	do.	do.		
179	do.	do.	Nov. 13, 1734.	do.	do.		
180	do.	do.	Nov. 8, 1735.	do.	do.		
181	do.	do.	Nov. 10, 1736.	do.	do.		
182	do.	do.	Dec. 16, 1737.	do.	do.		
183	do.	do.	Oct. 3, 1739.	do.	Compulsory...	16 to 60.	
184	do.	do.	Nov. 3, 1740.	do.	Extension and augmentation of militia act of 1739.		
185	do.	do.	Nov. 27, 1741.	do.	Extension and augmentation of militia acts of 1739 and 1740.		
186	do.	do.	Oct. 29, 1742.	do.	Extension of militia Acts of 1739, 1740, and 1741.		
187	do.	do.	Dec. 17, 1742.	do.	Compulsory...	16 to 60.	Do.
188	do.	do.	Sept. 21, 1744.	do.	Extension of militia Act of 1744.	do.	20s. per 3 mos.
189	do.	do.	Nov. 29, 1745.	do.	Extension of militia Act of 1744.		
190	do.	do.	Feb. 27, 1746.	do.	Compulsory...	16-60.	40s. per 3 mos.
191	do.	do.	Dec. 6, 1746.	do.	Extension of Militia Act of 1746.		
192	do.	do.	Sept. 22, 1747.	do.	Revival of militia Act of 1746.		
193	do.	do.	Dec. 12, 1753.	do.	Extension of militia Act of 1746.		
194	do.	do.	Dec. 7, 1754.	do.	Extension of militia Act of 1746.		
195	do.	do.	Feb. 19, 1755.	do.	Compulsory...	16 to 60.	Do.
196	do.	do.	Feb. 19, 1756.	do.	Extension of militia Act of 1755, and provisions re Quakers and Scouts towards Canada.		
197	do.	do.	Nov. 27, 1756.	do.	Extension of militia Acts of 1754 and 1755.	To Jan. 1, 1758.	

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
198	New York	General Assembly.		Feb. 26, 1757	Act	Compulsory and provisions for Quakers and courts martial.	Fit persons	To attend watch	
199	do	do		Dec. 24, 1757	do	Extension of militia Acts of 1755, 1756, 1757.			
200	do	do		Dec. 16, 1758	do	do			
201	do	do		Dec. 24, 1759	do	do			
202	do	do		Nov. 8, 1760	do	do			
203	do	do		Dec. 31, 1761	do	do			
204	do	do		Dec. 11, 1762	do	do			
205	do	do		Dec. 13, 1763	do	do			
206	do	do		Oct. 20, 1764	do	Compulsory	16-60	Shall enlist	10s. and 6s. per month.
207	do	do		Dec. 23, 1765	do	Extension of militia act of 1764.			
208	do	do		Dec. 19, 1766	do	do			
209	do	do		Dec. 24, 1767	do	do			
210	do	do		Mar. 24, 1772	do	Compulsory	16-50	Shall enlist, etc	5s. and 3s. per month.
211	do	do		Apr. 1, 1775	do	do	do	do	Do.
523	do	do		Mar. 31, 1778	do	do	700 men	To be raised by drafts from the militia.	
613	do	do		Apr. 1, 1778	do	do	Every 15th man of the militia.	To be drafted for the service of the U. S. A.	
524	do	do		Apr. 3, 1778	do	do	All able-bodied men 16 to 50.	Tender themselves to be enrolled as of the militia.	
525	do	do		Mar. 13, 1779	do	do	1,000 men	To be raised for the defense of the frontiers by draft from the militia.	
526	do	do		Oct. 9, 1779	do	Enforcement	Subject to militia law		All penalties including exemptions for Quakers increased five-fold.
527	do	do		Mar. 11, 1780	do	Contingent draft.	Above 16	Troops shall be raised when US will support them	
614	do	do		July 1, 1780	do	Draft to complete US Army Defense of Frontiers.	From militia		

528	.....do.....	.....do.....	Sept. 29, 1780.	.....do.....	.....do.....	.....do.....	.....do.....
529	.....do.....	.....do.....	Mar. 10, 1781.	.....do.....	.....do.....	.....do.....	.....do.....
530	.....do.....	.....do.....	July 1, 1781.	.....do.....	.....do.....	.....do.....	.....do.....
531	.....do.....	.....do.....	Nov. 17, 1781.	.....do.....	.....do.....	.....do.....	.....do.....
615	.....do.....	.....do.....	Mar. 2, 1782.	.....do.....	.....do.....	.....do.....	.....do.....
532	.....do.....	.....do.....	Apr. 4, 1782.	.....do.....	Compulsory...	16 to 50.....	Certain classes of militia draft intitled to bounty of 600 acres. Shall enroll, be armed, appear.
533	.....do.....	.....do.....	Feb. 21, 1783.	.....do.....	Draft for Defence of Frontiers.	From militia.....	Governor may draw as often as necessary.
300	North Carolina...	Chas. II.....	June 30, 1665.	2nd charter.	Delegation of power.	Lords Proprietors.....	Give power to levy, muster, train, all sorts of men, make war, pursue enemies, vanquish, take, condemn to death by law of war, save them and every other thing an army captain general can do, and full power, liberty and authority in case of rebellion, tumult, or sedition, and to exercise martial law.
264	.....do.....	.....do.....	Mar. 1, 1669.	Proposed Fundamental constitution of John Locke (not enacted).	Compulsory...	All inhabitants and freemen 17 to 60.	Shall be bound to bear arms and serve as soldiers whenever the Grand Council shall find it necessary.
265	.....do.....	Assembly.....	Jan. 19, 1715.	Notation of an act.	For the better regulating the militia of this government.		
272	.....do.....	.....do.....	1715.....	Act.....	Compulsory...	All freemen 16 to 60...	Constitute militia, be listed, appear, be mustered, trained, and exercised in arms and be armed.
273	.....do.....	.....do.....	June 28, 1746.	.....do.....	.....do.....	Governor.....	Power to raise forces....
274 and 275	.....do.....	.....do.....	Oct. 16, 1749.	.....do.....	A putting in force in North Carolina of British law.	Freemen and servants 16 to 60.	Shall compose the militia.
276	.....do.....	.....do.....	.....do.....	.....do.....	Extension of Militia Act of 1746.		Statute the Second. 13 Chas. II Ch. 6. An act declaring the sole right of the militia to be in the King and for the present ordering and disposing of the same.
266	.....do.....	.....do.....	1754.....	.....do.....	.....do.....		



# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
267	North Carolina.	Assembly....	New Bern....	Dec. 12, 1754— Sept. 13, 1756.	Act.....	Compulsory...	Freemen and servants 16 to 60.	Shall compose the militia, etc.	10s.
268	....do.....	....do.....	....do.....	Dec. 12, 1754— May 8, 1759	....do.....	Delegation of power.	Governor.....	May raise militia and march it out of the Province to join the troops of South Carolina and Virginia against the Cherokees.	
269	....do.....	....do.....	....do.....	Dec. 12, 1754.	....do.....	Compulsory...	Able-bodied loiterers and wanderers 21 to 50.	Are declared to be vagrants and inlisted by warrant.	
277	....do.....	....do.....	....do.....	Apr. 24, 1760.	....do.....	Extension of Militia Act of June 1759.			
278	....do.....	....do.....	....do.....	....do.....	....do.....	Compulsory...	Freemen and servants 16 to 60.	Shall compose the militia.	
279	....do.....	....do.....	....do.....	Nov. 3, 1762.	....do.....	Extension of Militia Acts of 1760.			
280	....do.....	....do.....	Wilmington...	Jan. 30, 1764.	....do.....	Compulsory ..	Freemen and servants 16 to 60.	Shall compose the militia.	
281	....do.....	....do.....	New Bern....	Nov. 3, 1766.	....do.....	....do.....			
270	....do.....	....do.....	....do.....	....do.....	....do.....	Extension of Militia Act of 1764.			
271	....do.....	....do.....	....do.....	Nov. 3, 1767.	....do.....	Extension of Militia Acts of 1764 and 1766.			
282	....do.....	....do.....	....do.....	Dec. 5, 1770.	....do.....	Exemption....	Quakers.....	Not be obliged to appear and muster.	
283	....do.....	....do.....	....do.....	Mar. 2, 1774.	....do.....	Compulsory...	Freemen and servants 16 to 60.	Shall compose the militia.	
298	....do.....	....do.....	....do.....	Nov. 15, 1777.	....do.....	Delegation of authority.	Governor.....	To detach 5,000 men from militia on request of United States Congress.	
284	....do.....	....do.....	....do.....	Apr. 8, 1777.	....do.....	Compulsory...	Effective men from 16 to 50.	Shall compose militia of each county.	Various.
285	....do.....	....do.....	....do.....	Nov. 15, 1777.	....do.....	Enforcement ..	Officers.....	Return muster rolls, muster and train commands, etc.	Do.
286	....do.....	....do.....	....do.....	Apr. 14, 1778— Jan. 19, 1779.	....do.....	Compulsory...	Effective men from 16 to 50 except etc.	Shall compose militia of each county.	Do.
287	....do.....	....do.....	....do.....	Apr. 14, 1778.	....do.....	....do.....	2,648 men.....	Detached from militia to complete continental battalions.	
292	....do.....	....do.....	....do.....	Apr. 14, 1778— Jan. 19, 1779.	....do.....	Voluntary and compulsory.	1,500 men.....	Volunteers or by draft from militia.	
293	....do.....	....do.....	Smithfield....	May 3, 1779.	....do.....	....do.....	Able-bodied for 18 months.	....do.....	

294	do	do	Halifax	Oct. 18, 1779	do	Delegation of power.	Governor	May order 3,000 men from militia to march in defense of South Carolina and Georgia.
290	do	do	Newbern	Apr. 17, 1780	do	Enforcement	Draftee and volunteer absentees.	Levy on their goods authorized, etc.
295	do	do	do	do	do	Voluntary	3,000	Grants bonuses and land bounties.
296	do	do	Halifax	Jan. 18, 1781	do	Compulsory	From militia	To complete battalions.
291	do	do	do	do	do	do	Effective men 16 to 50	Shall compose the militia.
299	do	do	Wake County	do	do	do	From militia	Draft in counties remiss.
288	do	do	do	June 1781	do	Enforcement	do	Drafts to reinforce So. Army.
289	do	do	do	do	do	Compulsory	do	Draft by classes for 12 months.
297	do	do	Hillsborough	Apr. 13, 1782	do	do	From militia and inhabitants 16 to 50, no exemptions.	Draft by classes
126	Pennsylvania	Chas. II	Westminster	Mar. 4, 1681	Charter	Delegation of power.	Wm. Penn	In free and common Socage Tenure. . . . . give power to levy, muster, and train all sorts of men, make war, vanquish, condemn, etc.
129	do	Governor and Council.	New York and Elizabeth Town.	June 14 and Nov. 7, 1671.	Ordinance (Duke of York's laws).	Compulsory	Inhabitants	Digested into companies . . . . . able-bodied 16 to 60 be armed.
127	do	Duke of York's laws.	do	Sept. 22, 1676.	Laws	do	Males above 16	Attend military exercises . . . service as training, watching, and warding.
128	do	do	do	do	do	do	Males 16 to 60	Be armed, etc.
130	do	General Assembly.	Philadelphia	Oct. 14, 1755.	Act	Voluntary	Other than Quakers	Maintain horse and equipment.
135	do	do	do	Mar. 14, 1761.	do	do	300 men	May form companies . . . Governor and Officers may regulate . . . provided conformable to laws of Great Britain.
574	do	Convention	do	Sept. 14, 1776.	Resolve	Grant of power	Members Council of Safety.	Be raised, etc.
136	do	General Assembly	do	Feb. 14, 1777.	Act	Enforcement	Able-bodied male whites 16 to 50, not associators.	Of act of Apr. 1, 1760 to Mar. 25, 1762.
131	do	do	do	Mar. 17, 1777.	do	Compulsory	Male whites 18 to 53 capable of bearing arms with exceptions named.	To order Associators to go out on invasion, to march, to repel. Fined by act of Apr. 5, 1776 be listed to collect.
								Various.
								Do.
								Acc. to law.
								Various.
								£5.

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
137	Pennsylvania...	General Assembly.	Philadelphia...	June 19, 1777.	Act.....	Enforcement..	Various officials.....	To enforce Act of Feb. 14, 1777 as a supplement.	Various.
141	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Various.....	To enforce Act of Mar. 17, 1777 as a supplement.	Do.
578	.....do.....	.....do.....	.....do.....	Sept. 18, 1777.	.....do.....	Pension for disability. Compulsory...	Disabled service men in present war. Pensioners capable of doing duty.	Various provisions.	Loss of pension.
138	.....do.....	.....do.....	.....do.....	Dec. 20, 1777.	.....do.....	.....do.....	Various officials.....	Shall be employed in land or sea service.	Various.
132	.....do.....	.....do.....	.....do.....	Dec. 30, 1777.	Act (Sup. to act Mar. 17, 1777).	Delegation of authority.	President and Council.	Raise and embody militia.	Do.
133	.....do.....	.....do.....	.....do.....	Apr. 3, 1779..	Act.....	Enforcement..	Not in service having large quantities of grain.	Subject to seizure thereof to relieve those impoverished through service or war.	Do.
139	.....do.....	.....do.....	.....do.....	Apr. 5, 1779..	.....do.....	Penalty.....	Who do not perform militia duty.	Shall forfeit.....	£100 and other failures 6 times previous penalty.
140	.....do.....	.....do.....	.....do.....	Oct. 10, 1779.	.....do.....	Increase of authority.	Supreme Executive Council.	Empowered to call any militia into service. Apprehend subversive enemy aliens.	Increased to: from £100 to £1000 for failure to perform military duty.
142	.....do.....	.....do.....	.....do.....	Mar. 20, 1780.	.....do.....	Compulsory...	Male whites 18 to 53...	To be listed, assembled, in districts, attend muster, be exercised.	Various.
134	.....do.....	.....do.....	.....do.....	May 26, 1780.	.....do.....	Voluntary....	18 to 45 as hired 1 by each company of militia.	To constitute the corps of Pennsylvania Volunteers.	Do.
143	.....do.....	.....do.....	.....do.....	Sept. 22, 1780.	Act (Sup. to act of Mar. 20, 1780).	Enforcement..	Militia.....	Method of determining penalties and boundaries.	
579	.....do.....	.....do.....	.....do.....	Sept. 28, 1781.	Act.....	Delegation of authority.	President in Council ...	Empowered to seize wagons, horses, ships, arms, billets, and call forth the whole of the militia.	As prescribed by law.
144	.....do.....	.....do.....	.....do.....	Mar. 21, 1783.	.....do.....	Compulsory reorganization.	Militia.....	To enforce previous act of March 20, 1780	Various.

145	.....do.....	.....do.....	.....do.....	Sept. 22, 1783.	Act (Sup. to act of Mar. 20, 1780).	Delegation of authority.	Supreme Executive Council.	Empowered to order into service the whole of the militia of Philadelphia or any county.	As prescribed by law.
580	.....do.....	State Supreme Court.	.....do.....	Mar. 3, 1863.	Decision Kneeder vs. Lane 9 St. Repts. (Pa) p. 238.	Historical determination.	.....	That duty of citizen to serve was recognized in legislation of Colonial Penn. with penalties, citing first Constitution, Acts of 1776 and 1777 and Assembly bill of 1756.	Various.
94	Rhode Island..	General Assembly of Election. Chas. II.	Portsmouth....	May 19-21 1647.	Order.....	Compulsory...	Inhabitants.....	Be exercised in training bands.	Various.
95	.....do.....	.....	.....	July 8, 1663...	Charter....	Delegation of authority.	Governor etc.....	To lead, conduct, and train inhabitants, assemble, exercise, martial-array, put in warlike posture, etc.	Do.
582	.....do.....	General Assembly.	Newport.....	May 3, 1665..	Act.....	Compulsory...	All men 16 to 60. ....	Required to train and have ammunition.	Do.
583	.....do.....	.....do.....	.....do.....	Aug. 13, 1673.	.....do.....	Exemption....	Conscientious objectors.	.....	.....
584	.....do.....	.....do.....	.....do.....	June 30, 1676.	.....do.....	Repeal of exemption of 1673.	.....do.....	All persons to train or pay without exemptions.	2s. etc.
585	.....do.....	.....do.....	.....do.....	May 2, 1677..	.....do.....	Compulsory...	Inhabitants.....	Appear armed as appointed.	2s. etc., 5s. in alarm, dis- traint, etc.
586	.....do.....	.....do.....	.....do.....	May 6, 1701..	.....do.....	Enforcement..	Absentees.....	.....	Increase.
587	.....do.....	.....do.....	.....do.....	May 6, 1702..	.....do.....	Amendment..	.....	Change in training days.	.....
93	.....do.....	.....do.....	.....do.....	Photostat of manuscript copy of act following (No. 92).	.....	Penalty.....	Listed absentees.....	Who neglect and do not appear.	3s.
92	.....do.....	.....do.....	.....do.....	.....	Act.....	.....	.....	All acts relating to militia.	Various.
588	.....do.....	.....do.....	Newport.....	May 7, 1718..	.....do.....	Repeal.....	.....	.....	.....
589	.....do.....	.....do.....	.....do.....	June 14, 1786.	.....do.....	Compulsory...	All males 16 to 50, 3 months in this colony.	Shall bear arms in training bands.	3s.
99	.....do.....	.....do.....	.....do.....	May 1730....	.....do.....	Penalty.....	Listed persons.....	On alarms.....	10s.
98	.....do.....	.....do.....	.....do.....	June 1730....	.....do.....	.....do.....	Of train bands.....	That neglect to train....	5s. per day.
102	.....do.....	.....do.....	.....do.....	Feb. 1737....	.....do.....	Exemption....	Quakers and their children.	When contrary to religious sentiments.	.....
103	.....do.....	.....do.....	.....do.....	.....	.....do.....	Enforcement..	Commissioned officers..	Not excused from training if give up commissions, unless 5 yrs. service.	.....
103	.....do.....	.....do.....	Warwick.....	Jan. 1740....	.....do.....	.....do.....	Officers.....	General Assembly to choose.	10s.
104	.....do.....	.....do.....	.....do.....	May 22, 1744.	.....do.....	Specification..	Trainees.....	Neglects.....	.....
							Conscientious objectors.	To perform other duties.	£100.
							All.....	Stay in town on alarm.	.....
							Officers.....	To muster on alarm....	16s.
							Subject to watch.....	Neglecting to appear...	.....



# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
105	Rhode Island..	General Assembly.	Newport.....	Aug. 21, 1744.	Act.....	Exemption....	Religious conscientious objectors.	Exempt from bearing arms.	
97	.....do.....	.....do.....	.....do.....	Sept. 1745.....	.....do.....	Enforcement..	Captains of trainbands.	Power to grant warrants for collecting fines of delinquents.	
96	.....do.....	.....do.....	Providence.....	Feb. 17, 1746.	.....do.....	Organization..	.....	Establishing trainbands in towns of Cumberland, etc.	
100	.....do.....	.....do.....	Newport.....	June 1753.....	.....do.....	.....do.....	.....	Establishing 2 trainbands in town of Cumberland.	
590	.....do.....	.....do.....	Providence.....	Mar. 14, 1757.	.....do.....	Compulsory...	Captains.....	To impress 450 men to march by March 25.	
591	.....do.....	.....do.....	Newport.....	Aug. 10, 1757.	.....do.....	.....do.....	1/2 of militia.....	Be raised by warrants..	
106	.....do.....	.....do.....	Providence.....	Dec. 18, 1758.	Resolve....	Retention in service.	Able-bodied men.....	During pleasure of General Assembly.	
124	.....do.....	.....do.....	.....do.....	Feb. 26, 1759.	Act.....	Augmentation.	To the number of 1,000.	.....	
107	.....do.....	.....do.....	South Kingston.	Mar. 23, 1762.	.....do.....	Voluntary....	178 men.....	For recruiting his Majesty's regular regiments in America.	
592	.....do.....	.....do.....	.....do.....	1767.....	Laws.....	Codification (1718-1758).	Males 16 to 50, 3 months residents	Shall bear arms.....	3s. for absence.
108	.....do.....	.....do.....	Providence.....	Dec. 1774....	Act.....	Penalty.....	Inlisted soldier.....	Not provided with gun.	2s.
109	.....do.....	.....do.....	.....do.....	Apr. 22, 1775.	Resolve....	Compulsory...	Officers.....	Exercise companies in martial discipline.	
593	.....do.....	.....do.....	East Greenwich.	June 1775....	.....do.....	Voluntary....	1,500 men of which 110 for crew of 2 vessels. See No. 593, p. 48.	Be inlisted, raised and embodied.	
110	.....do.....	.....do.....	Providence.....	Jan. 1776....	.....do.....	Disciplinary...	All officers, soldiers and others concerned.	Articles of War for "The Rhode Island Army of Observation and Defense."	Various.
111	.....do.....	.....do.....	.....do.....	Dec. 1776....	.....do.....	Enforcement..	Minute Men.....	Continue 3 months and may inlist in companies.	
112	.....do.....	.....do.....	.....do.....	Feb. 1777....	.....do.....	Grant of bounties for enlistment.	Of militia.....	"Whereas Assembly passed resolve for draughting all male persons subject by law to bear arms whether of the militia, alarm list, or independent Companies . . ."	
						Administration	"Officers and soldiers in militia, alarm list, and independent companies who may be draughted to do duty within this State."	No rations while on furlough or in hospital.	

113	.....do.....	.....do.....	.....do.....	.....do.....	Interpretation.	.....	.....	“That this general assembly consider the present draught of independent companies, alarm companies, and companies of militia, as doing duty upon an alarm, in every respect.” Excuse from all military duty. Various.....
114	.....do.....	.....do.....	.....do.....	Act.....	Exemption.....	Conscientious objectors.	Conscientious objectors.	Various.
594	.....do.....	South Kingstons.	Apr. 1777.....	Resolve.....	Administration	In draft of militia.....	500 men.....	Be raised for continental battalions.
	.....do.....	.....do.....	.....do.....	Act.....	Compulsory... Administration of Exemption.	Conscientious objectors.	Conscientious objectors.	Various to prevent abuses.
115	.....do.....	Providence.....	July 1777.....	Resolve.....	Administration. Calls to duty and draughts from organizations.	Persons called to duty.	Persons called to duty.	.....
116	.....do.....	South Kingstons.	Sept. 1777.....	.....do.....	Enforcement. Draught.....	Soldiers drafted. .... ½ of militia, alarm, independent, and artillery companies.	Soldiers drafted. .... ½ of militia, alarm, independent, and artillery companies.	Neglect to appear..... Be drafted, march, do duty.
117	.....do.....	Providence...	Oct. 27, 1777.	.....do.....	.....do.....	Of remaining ½ of militia, alarm, independent, and artillery companies.	.....do.....	.....do.....
595	.....do.....	East Greenwich.	June 1778.....	.....do.....	Administration and draught.	Deficiencies in draft from quotas of towns to be supplied by draft from militia, alarm, and independent companies.	Deficiencies in draft from quotas of towns to be supplied by draft from militia, alarm, and independent companies.	Constitute the military force of this State.
118	.....do.....	South Kingstons.	Oct. 1779.....	Act.....	Compulsory reorganization.	Effective males 16 to 50.	Effective males 16 to 50.	Be armed, equipped, enrolled, listed, constitute alarm list of the state, and be subject to all other duties as those exempted from bearing arms.
618	.....do.....	Providence.....	July 1780.....	.....do.....	Compulsory. Draft by classes for continental battalions.	All males above 16.....	All males above 16.....	In view of emergency and failure in “raising” 610 effective men.
619	.....do.....	Newport.....	.....do.....	Resolve.....	Enforcement of Draft by classes.	Able-bodied effective men from delinquent classes.	Able-bodied effective men from delinquent classes.	To be detached.....

5s. per day.

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
620	Rhode Island..	General Assembly.	Newport.....	July 1780.....	Act.....	Voluntary.....	630 able-bodied effective men.	Be raised, embodied, rendezvoused.	
119	do.....	do.....	Providence....	Oct. 1780.....	do.....	do.....	220 effective men.....	Be inlisted.....	
621	do.....	do.....	East Greenwich.	Nov. 1780.....	do.....	do.....	380 able-bodied effective men.	Be forthwith raised.	
622	do.....	do.....	do.....	Jan. 1781.....	do.....	Compulsory...	Town committees.....	If raising fails, draft by classes.	Various.
596	do.....	do.....	South Kingstons.	Feb. 1781.....	do.....	Voluntary and compulsory.	1,200 able-bodied effective men of independent, artillery, senior and junior class companies of militia (officers included).	Details their powers in raising troops for continental battalions.	Do.
623	do.....	do.....	do.....	Mar. 1781.....	do.....	Compulsory...	Same and from towns..	Be embodied and rendezvoused.	
120	do.....	do.....	do.....	do.....	do.....	Enforcement..	Town Committees.....	If raising fails, detach to make up quota.	As court martial shall inflict.
597	do.....	do.....	Providence....	May 1781.....	do.....	Penalty.....	Absentees from duty...	Detach men from delinquent classes.	Various.
121	do.....	do.....	Newport.....	Aug. 1781.....	do.....	Compulsory...	500 able-bodied effective men of organizations.	To affix penalties to act of October 1779.	Do.
122	do.....	do.....	South Kingstons.	Oct. 1781.....	do.....	Compulsory...	From towns.....	Be embodied, rendezvoused, and do duty.	
125	do.....	do.....	Providence....	June 1793....	Act (reorganization).	Draft.....	100 able-bodied effective men.	Shall furnish quota set...	
465	do.....	do.....	do.....	Jan. 1798.....	Laws.....	Compulsory...	Free able-bodied white male citizens 18 to 45.	Be embodied, and rendezvoused.	
301	South Carolina.	Chas. II.....	Westminster, England.	Mar. 24, 1663.	1st charter...	Codification (1718-1774).	Free able-bodied white male citizens 18 to 45.	Be raised "since drafting or detaching from militia is expensive and inconvenient"	Do.
302	do.....	Parliament..	Charlestowne.	Oct. 15, 1686..	Act.....	Delegation of authority.	Lords Proprietors.....	Be enrolled in the militia.	
						Grant of power.	Grand Council.....	A carrying into effect by statute of act of Congress of May 8, 1792 establishing a uniform militia throughout the United States.	
								Impowered to levy, muster, and train all sorts of men.	
								To levy and impress men.	

303	.....do.....	General Assembly.	.....do.....	May 8, 1703..	.....do.....	Compulsory...	Officers.....	To summon to appear, and exercise inhabitants 16 to 60.	Various.
304	.....do.....	.....do.....	Charlestowne.	July 19, 1707..	.....do.....	.....do.....	.....do.....	.....do.....	Do.
305	.....do.....	.....do.....	.....do.....	Sept. 2, 1721..	.....do.....	.....do.....	.....do.....	.....do.....	Do.
306	.....do.....	.....do.....	.....do.....	Apr. 3, 1739..	.....do.....	Administrative.	Officers.....	Provisions regarding training.	
307	.....do.....	.....do.....	.....do.....	June 13, 1747..	.....do.....	Delegation of authority.	Governor.....	Assemble, array, form, lead, conduct, employ males 16 to 60.	Do.
616	.....do.....	.....do.....	.....do.....	Mar. 28, 1778..	.....do.....	Compulsory...	Vagrants.....	Obliged to serve.....	Do.
308	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Codification...	Male free inhabitants 16 to 60.	To be enrolled. Eliminates volunteers.	Do.
617	.....do.....	.....do.....	.....do.....	Oct. 9, 1778..	.....do.....	Administrative.	Vagrants.....	Action on appeals.....	
312	.....do.....	.....do.....	.....do.....	Feb. 13, 1779..	.....do.....	Delegation of authority.	Governor.....	When a sister State is invaded to order draught of militia.	Summary trial for persons neglecting duty on alarm.
313	.....do.....	.....do.....	.....do.....	Feb. 19, 1779..	Ordinance..	.....do.....	.....do.....	Impowered to embody, array, dispose of militia, etc.	
314	.....do.....	.....do.....	.....do.....	Sept. 11, 1779..	Act.....	Voluntary....	Able-bodied men.....	Who voluntarily enlist for 21 months receive bounty of \$500 at once and \$2,000 at end of service.	
315	.....do.....	.....do.....	.....do.....	Feb. 3, 1780..	Ordinance No. 1140.	Delegation of authority.	Governor.....	Impowered to embody, array, dispose of militia, etc.	
316	.....do.....	.....do.....	.....do.....	Feb. 6, 1782..	Act.....	Compulsory...	Identical with above ordinance No. 1140.	Be listed.....	Various.
309	.....do.....	.....do.....	.....do.....	Feb. 26, 1782..	.....do.....	.....do.....	Free male inhabitants 16 to 50.	May draught 1/4 of militia.	Do.
317	.....do.....	.....do.....	.....do.....	Mar. 17, 1783..	Ordinance..	Delegation of authority.	.....do.....	On invasion impowered to embody, array, and dispose of militia.	
310	.....do.....	.....do.....	.....do.....	Aug. 13, 1783..	Act.....	Penalty.....	Defaulters.....	Neglecters of duty in turning out for assembly.	Do.
311	.....do.....	.....do.....	.....do.....	Mar. 26, 1784..	.....do.....	Delegation of authority.	Governor.....	To order militia to assemble.	Do.
319	.....do.....	.....do.....	.....do.....	Feb. 29, 1788..	.....do.....	Census.....	Commanding officers...	Of free white men 16 and above within the company "beats."	£50.
320	.....do.....	.....do.....	.....do.....	Jan. 20, 1790..	Ordinance..	.....do.....	.....do.....	Of free white inhabitants except aliens (distinguishing sexes) and marking males 16 to 50.	Various.
318	.....do.....	.....do.....	.....do.....	Dec. 21, 1792..	Act.....	Compulsory...	All free Negroes and Indians (amicable Nations excepted), Moors, Mulattoes, Mestizoes 18 to 45.	Shall serve in the militia as pioneers.	
369	Virginia.....	.....do.....	.....do.....	Mar. 5, 1623-24.	Acts.....	Defense measures.	Inhabitants.....	Go under arms.....	



# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
371	Virginia.....	General Assembly.	.....	Oct. 1629.....	Order.....	Grant of power	Commander of plantations.	Power to levy parties of men, employ against Indians.	
370	.....do.....	.....do.....	James City.....	Feb. 1631-2....	Acts.....	Defense measures.	Inhabitants.....	Go under arms with centinell, keep watch by night, conserve powder, be mustered and exercised by commanders, conduct inventories.	On default be censured by Governor and Council.
372	.....do.....	Grand Assembly.	.....do.....	Sept. 1632.....	Act.....	Compulsory...	Laborers on various works.	Shall not depart therefrom without a license.	1 month imprisonment and £5 etc.
373	.....do.....	.....do.....	.....do.....	.....do.....	Acts.....	Defense measures.	Inhabitants.....	Go to work under arms with centinell, bear arms to church, assist adjoining plantations on alarm, be mustered and exercised by commanders.	2 lbs. tobacco.
374	.....do.....	.....do.....	.....	Jan. 6, 1639...	Act.....	.....do.....	All except Negroes.....	To be provided with arms and ammunition.	At discretion of Governor and Council.
375	.....do.....	.....do.....	James City.....	Feb. 1644-5....	.....do.....	.....do.....	Counties..... Governor and Council.	Prosecute the enemy... Have power to levy and press men.	
376	.....do.....	.....do.....	.....	Oct. 1648.....	.....do.....	Announcement of authority.	Every 15 Tithables..... Governor.....	Furnish and maintain 1 soldier.	
377	.....do.....	.....do.....	James City.....	Mar. 1658-59..	.....do.....	Compulsory...	Men able to bear arms..	Has the exclusive power from his Majesty to levy or press men.	50 lbs. tobacco.
378	.....do.....	.....do.....	.....do.....	Mar. 1661-62..	.....do.....	.....do.....	.....do.....	Have gun powder, and shot in houses.	Do.
383	.....do.....	.....do.....	.....do.....	Oct. 1665.....	.....do.....	.....do.....	Laborers on Fort.....	Have gun, powder, and shot in houses.	
382	.....do.....	.....do.....	.....do.....	Oct. 1666.....	.....do.....	Penalty.....	Men failing to attend musters and exercise.	Governor to give power to press.	
379	.....do.....	.....do.....	.....do.....	Sept. 21, 1674- Mar. 7, 1675..	.....do.....	Declaration of war.	Indians.....	Be amerced and fined...	100 lbs. tobacco levy by distress.
380	.....do.....	.....do.....	.....do.....	June 5, 1676..	.....do.....	Draft.....	500 men from Midlands. 1,000 men.....	Who have committed the murders.	
381	.....do.....	General Assembly.	.....do.....	Nov. 1682.....	.....do.....	Compulsory...	Indians.....	Be drawn.....	1,000 lbs. tobacco.
						Declaration of war.	Soldiers in forts at river-heads.	Raised and drawn.....	
						Demobilization.	20 men in each of 4 counties.	Disbanded due to peace concluded with Indians.	
						Voluntary and compulsory.		To serve as river guards.	

384	.....do.....	.....do.....	Apr. 1684, .....	.....do.....	Compulsory...	Troopers .....	Provide horses.....	400 lbs. tobacco.
386	.....do.....	.....do.....	.....do.....	.....do.....	Voluntary and compulsory.	Foot soldiers .....	Provide arms, etc.....	
385	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory...	Officers .....	Muster, train, exercise soldiers.	
387	.....do.....	.....do.....	.....do.....	.....do.....	Exemption....	4 troops of 30 men.....	To be a standing force—be raised—deficiency drafted.	
388	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory...	Militia.....	To be called out in an emergency.	
389	.....do.....	.....do.....	.....do.....	.....do.....	Exemption....	New settlers on the frontiers.	Exempted from military service except for their own defense.	
390	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory...	Males 16 to 60.....	Shall be listed by officers, be armed, appear on invasion, perform duty.	
391	.....do.....	.....do.....	.....do.....	.....do.....	Delegation of authority.	Governor, etc.....	Power to levy, raise, muster, militia...	
392	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory...	Free male persons 21 to 60.	To be listed, provide arms, appear for muster and exercise.	
393	.....do.....	.....do.....	.....do.....	.....do.....	Exemption....	Inhabitants of Williamsburg.	Not compelled to make muster out of city, but be listed and trained within.	100 lbs. of tobacco per default and 100 lbs. tobacco fine on exempt persons for appearing.
394	.....do.....	.....do.....	.....do.....	.....do.....	Delegation of authority.	Governor.....	On invasion power to levy, raise, arm, and muster militia, lead, conduct, march, transport and employ, impress.	
395	.....do.....	.....do.....	.....do.....	.....do.....	Exemption....	Ironworkers.....	From serving in militia except in invasion, insurrection, or rebellion.	
	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Inhabitants of Norfolk.	Do not train outside of borough.	
	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Sailors on board ships..	Not compelled to serve in militia.	
	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory...	Free males above 21....	Chief officer of militia shall list, arm, muster, train, exercise.	Refusal: tied neck and heels, be court martialed.
	.....do.....	.....do.....	.....do.....	.....do.....	Enforcement..	Listed absentees from muster.	To patrol for unlawful assemblies of slaves and vagrants.	To be lashed.
	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Shall personally attend.	As provided by law.

# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
396	Virginia .....	General Assembly.	Williamsburg.	Oct. 1748.....	Act.....	Delegation of authority.	Governor.....	On invasion to levy, raise, arm, muster the militia, and lead, conduct, march, transport, and employ. On invasion raise, and keep it under arms.	Various.
397	.....do.....	.....do.....	.....do.....	Feb. 27, 1752—Nov. 27, 1753.	.....do.....	Extension of Invasion Act of 1748.	Officers of militia.....	.....	Do.
398	.....do.....	.....do.....	.....do.....	Feb. 27, 1752—Oct. 1754.	.....do.....	Grant of power.	Justices of the Peace.	To raise and levy able-bodied men.	
399	.....do.....	.....do.....	.....do.....	Feb. 27, 1752—May 1, 1755.	.....do.....	Explanation and enforcement.	Taxpayers.....	Interprets provisions of £120,000 tax for defense against French insult and encroachment.	
400	.....do.....	.....do.....	.....do.....	Feb. 27, 1752—Aug. 5, 1755.	.....do.....	Compulsory....	Single men for Rangers.	If cannot be raised by enlistment with bounty then to be drafted from militia.	
401	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	£40,000 levy for defense. Voluntary.... Compulsory....	Taxpayers.....	Benefits for enlistment. Deficiencies to be drafted.	Do.
402	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Males 18 to 60.....	Be listed, armed, mustered, trained, exercised.	Do.
403	.....do.....	.....do.....	.....do.....	Mar. 1756.....	.....do.....	£25,000 levy for defense of frontiers. Compulsory....	Militia officers.....	On invasion raise the militia.	Do.
404	.....do.....	.....do.....	.....do.....	.....do.....	Act Amendment of No. 403.	.....do.....	Single men of militia and of unenrolled precincts. Able and fit men.....	Be listed, enrolled, assembled, regimented. May be impressed by officers to go in sloops or boats. Various provisions in levy of materials for defense.	Do.
						Exemption from arrest.	Militiamen drafted.....	.....	

405	.....do.....	.....do.....	.....do.....	Apr. 14, 1757.	Act.....	Compulsory...	Sheriffs, Serjeants, Justices, Field Officers, Captains.	Hold courts to inquire into occupation and employment of Inhabitants 18 to 50 and prick down able-bodied vagrants, deserters, etc., and other able-bodied men to make up deficiency. These to be drafted. Also £5 to each volunteer, £3 to each draftee.	Exempted persons to provide arms. Negroes and Indians to serve without arms.
406	.....do.....	.....do.....	.....do.....	Mar. 25, 1756— Apr. 14, 1757.	.....do.....	.....do.....	Males 18 to 60.....	To be listed, armed, mustered, exercised.	Various.
407	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Delegation of authority.	Governor.....	On invasion is impowered to levy, raise, arm, muster militia, and by his officers to raise it, march it, and keep it under arms. They are impowered to impress able and fit men to go in sloops or boats.	
408	.....do.....	.....do.....	.....do.....	Sept. 14, 1758.	.....do.....	Appropriation. for pay arrears.	Militia lately drafted...	And £4,000 to raise and pay 4 companies of rangers.	
409	.....do.....	.....do.....	.....do.....	Sept. 1758.....	.....do.....	Extension of Act 407.	.....	.....	
410	.....do.....	.....do.....	.....do.....	Sept. 14, 1758— Feb. 22, 1759.	.....do.....	Restriction on appropriation of No. 408.	Members of 1st regiment	Pay ceases if outside of colony after December 1st. Governor may continue these forces in service after that date.	
412	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Extension of Act No. 406.	.....	.....	
411	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Extension of Act No. 407.	.....	.....	
413	.....do.....	.....do.....	.....do.....	Nov. 1766.....	.....do.....	Extension of Act No. 406.	.....	And adds provisions regarding exemptions and muster.	
414	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	.....	.....do.....	
415	.....do.....	.....do.....	.....do.....	Nov. 7— July 11, 1771.	.....do.....	.....do.....	.....	.....	
416	.....do.....	Convention of Delegates.	Richmond.....	July 17, 1775.	Ordinance.	Voluntary emergency defense.	1,020 militia and minutemen.	.....	
						Compulsory... Voluntary....	Artificers..... Free males, hired servants, and apprentices 16 to 50.	May be impressed. Shall be enlisted.....	



# DIGEST OF ENACTMENTS—Continued

No.	Colony	Body	Place	Date	Enactment	Nature	Persons	Language	Penalty
417	Virginia.....	Convention of Dele- gates.	Richmond....	July 17, 1775..	Ordinance..	Appointment and delega- tion of au- thority. Voluntary....	A committee of safety..	Authority to call into actual service min- utemen or militia, or volunteers. Be raised to augment 2 regular regiments. 6 regiments each of 10 companies of 68 men each.	
418	.....do.....	.....do.....	.....do.....	Dec. 1, 1775..	.....do.....	.....do.....	Rank and file .....		
419	.....do.....	.....do.....	.....do.....	May 6, 1776..	Ordinance amenend- atory of No. 416.	Removal of Exemption.  G r a n t o f Power. Draft .....	Overseers, Quakers, Men- onists, and Millers in Accomack and North- ampton Counties. Commanding officers....	But shall not be re- quired to attend gen- eral or private musters.  Impowered to call mili- tia into service. To be made as directed by law.	
420	.....do.....	General As- sembly.	Williamsburg.	May 5, 1777..	Act.....	Compulsory....	Militia in Accomack and Northampton Counties. All free males, hired servants, and appren- tices 16 to 50.	Be enrolled in militia and formed into com- panies, mustered, be armed. Exempt from draught if procure 1 substitute for 3 yrs. May be enlisted.....	Various.
421	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Exemption....	2 militiamen.....		
						Voluntary....	Ironworkers, single men above 16, apprentices or servants. Officers.....		
422	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory....	Militia .....	May draft militia to complete Continental Army. Divided into parts by lot, called out in rotation. Accepted..... May be impressed..... To be appointed..... Be enrolled and formed into companies. Regiments of infantry be recruited for Con- tinental establishment. From militia to fill regiments. To enlarge the time for making draughts. Be raised for 3 years or war, on bounties. By draughts..... To be drafted for 18 months.	
423	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Compulsory....	Volunteers..... Artificers..... Scouts..... Males 16 to 50 in Wil- liamsburg. Recruits.....		
424	.....do.....	.....do.....	.....do.....	Oct 20, 1777..	.....do.....	Voluntary....	Single men .....		
425	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Draft.....	.....do.....		
624	.....do.....	.....do.....	.....do.....	Oct 5, 1778..	.....do.....	Amendatory of No. 424. Voluntary....	2,216 men .....		
426	.....do.....	.....do.....	.....do.....	May 3, 1779..	.....do.....	Compulsory....	To fill quota..... One 25th man of militia.		

427	.....do.....	.....do.....	Oct. 4, 1779.....	.....do.....	Voluntary.....	Soldiers.....	\$750 bounty for reenlistment. Militia to march to aid South Carolina. Drafts to be completed..
428	.....do.....	.....do.....	May 1, 1780.....	.....do.....	Compulsory to enforce No. 426. Draft.....	One 25th man of militia.	
429	.....do.....	.....do.....	.....do.....	Richmond.....	Voluntary and compulsory.	2,500 infantry from militia. 3,000 men.....	Called into service for relief of South Carolina. To complete State quota for Continental forces by division of militia and taking $\frac{7}{16}$ men under 18. If not recruited in 30 days to be drafted. Impowered to call out militia, and to march them N. or S. Be raised for 3 years.... If quota not recruited, to be drafted for 18 months from Militia. Impressment authorized.
430	.....do.....	.....do.....	.....do.....	.....do.....	Delegation of authority.	Governor.....	Subject to Articles of War. Absentees from marching declared regulars for 6 months. New draft in certain cases.
431	.....do.....	.....do.....	Oct. 16, 1780.....	.....do.....	Voluntary..... Compulsory.....	3,000 able-bodied men. .....do.....	By classes..... Accepted.....
433	.....do.....	.....do.....	.....do.....	.....do.....	.....do.....	Seamen.....	.....
432	.....do.....	.....do.....	.....do.....	.....do.....	Disciplinary.....	Militia.....	.....
434	.....do.....	.....do.....	May 6, 1782.....	.....do.....	Voluntary.....	3,000 men from militia. Recruits.....	.....
435	.....do.....	.....do.....	Oct. 21, 1782.....	.....do.....	Organization..	Militia.....	.....
436	.....do.....	.....do.....	Oct. 18, 1784.....	.....do.....	Compulsory..	Free males 18 to 50....	Shall be enrolled and formed into companies, mustered, armed.

Various.

# Bibliography

Such references as pertain to the central subject matter here, and are known not to be included in bibliographies, have been supplied in the *Introduction*, in the appendices, or in the footnotes of both. In addition, the legends supplied at the bottom of each of the statutes show their sources. For bibliography on universal military training see the one published under date of March 23, 1945, 138 pp., mimeo., by the Library of Congress and referred to in Appendix III hereof.

## Official Accounts of the Federal Systems:

**CIVIL WAR:** The final report made to the Secretary of War by the Provost Marshal General (Brig. Gen. James B. Fry) . . . Mar. 17, 1863-Mar. 17, 1866, Part I, and especially the report to him by Brevet Brig. Gen. U. S. A., Acting Assistant Provost Marshal General for Illinois, James Oakes, in Part 2 of reports of Bvt. Brig. Gen. D. C. McCallum, Director of Military Railroads.

**WORLD WAR I:** Report of the Provost Marshal General to the Secretary of War on the First Draft under the Selective Service Act, 1917, Washington, U. S. Government Printing Office,

1918; Second Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to December 20, 1918, Washington, U. S. Government Printing Office, 1919; Final Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to July 15, 1919, Washington, U. S. Government Printing Office, 1920; The Selective Service System, its Aims and Accomplishments, its future, Washington, U. S. Government Printing Office, 1917 (Gen. E. H. Crowder, The Provost Marshal General).

**WORLD WAR II:** The series of Reports of the Director of Selective Service, U. S. Government Printing Office, including: *Selective Service in Peacetime* (1940-41); *Selective Service in Wartime* (1941-42); *Selective Service as the Tide of War Turns* (1943-44); and *Victory and Selective Service* (1944-45).

The Special Monograph series of the Selective Service System, listing 18 of such, as projected, of which only one (No. 4, Registration and Selective Service, 1945, pub. 1946) has been issued to date. In addition an over-all history is contemplated. Attention is also invited to the bound volumes of regulations and serials of that system, such as State Director Advices, etc., available in Library of Congress, National Archives, etc.

## APPENDIX I

# The Colonial Military

## FIRST AMERICAN SOLDIERS

(*Journal of American History*, Vol. I (1907) pp. 120-128)

CALL "To Arms" began with the arrival of first white men in the new world. Footmen with Musket and Pike. Horsemen with pistol and carbine. Military force blazed path for civilization. The first "trained bands" and the organization of the Continental Army.

by SPENCER P. MEAD, LL. D., *of the New York Bar*  
(Author of the History and Genealogy of the Mead and Reynolds Families in America)

The earliest colonial settlers in this country found it necessary to form and maintain military organizations for their protection from the Indians and other marauders, which were designated "*trained bands*" and were called into active service at different times during the colonial period, as the exigencies which confronted the colonists required.

In Virginia, Capt. John Smith commanded the military force for a number of years, and under his efficient leadership it proved indispensable to the preservation of that colony. The military forces of the Plymouth Colony were commanded by Capt. Miles Standish, who, in 1621, commanded a strong party of 14 men against the Indians and on the 29th day of August, 1643, was appointed captain by the General Court, and in 1649 he was commandant of the several military companies within the Plymouth Colony.

The Massachusetts Bay Colony in 1631 ordered that "every man with a musket shall have ready one pound of powder, twenty bullets and two fathome of match, and that every captain shall traine (drill) his company on Saturday in every week. General training days once a month at one o'clock in the afternoon." In 1637, general training days were reduced to eight times in a year. In 1636, the General Court held at Boston, ordered that the military companies be divided

into three regiments; that all freeman be allowed to vote for officers of a trained band; and in 1645 ordered that the chief commander of every company is authorized to appoint out and to make choice of 30 soldiers of their companies in every hundred, "who shall be ready at halfe an hour's warning upon any service they shall be put upon by their chief military officer." The organization of these emergency men was continued for generations, and later they became the famous minutemen of the Revolutionary War. There has recently been organized, in order to perpetuate the memory of the minutemen and also to promote patriotism, an association known as the "Minutemen," with headquarters at Washington, D. C., and divisional commanders located in different sections of the country. In 1642, provisions were made for fines and punishments for disorderly soldiers, and in 1648 arrangements were made for regimental drills and a troop of horses was organized.

The Connecticut and New Haven colonies likewise organized military companies, or "trained bands", as they were called, and in 1636 ordered "that every plantacon shall traine once in every month and if upon complainte of their military officer, it appears that there bee divers very unskillfull, the saide plantacon may appoint the officer to traine oftener the said unskillfull. And that the saide military officer take view of their several arms whether they bee serviceable or noe. And for default of every souldiers absent the absent to paye five shillings for every tyme without lawful excuse within two days after, tender to the commissioner, or one of them in the saide plantacon. And for any default in arms upon warnings to them by the saide officer to amend by the tyme appointed one shilling every tyme. And where arms are wholly wanting to be bounde over to answer it at the next Corte."



## *First American Homes Were Arsenals Under Penalty of Law*

Captain Mason, in 1637, was appointed a public military officer of the plantations of Connecticut to train "the military men thereof in each plantacon according to the dayes appointed and shall have £40 per annum, to be paid oute of the Treasury quarterly. The pay to begine from the day of the date hereof, to traine the saide military men in every plantacon tenn days in every yeare, soe as it be not in July or August, giving a weekes warning beforehand." All persons to bear arms that are above the age of 16 years, except those exempted. A magazine of powder and shot to be kept in every plantation for the supply of the military men, and every military man is to have continually in his house in readiness "halfe a pounce of good powder, two pounds of bullets sutable to his peece, one pounce of match, if his peece be a match-locke, and whosoever failes of his halfe pounce of powder and two pounds of bullets and match to pay five shillings for every tyme that is wanting." Later training days in the plantations of Connecticut were reduced to six times in a year, and the General Assembly enacted, that "there shall be in each Plantation within this Jurisdiction, every year at least six Training days, or days of public military exercises to teach and instruct all the males above sixteen years of age in the comely handling, and ready use of their arms, in all postures of war, to understand and attend all words of command."

An extract from the report of the Governor of Connecticut to the home government, dated the 15th day of July 1680, reads as follows:

"For the present we have but one troope settled, which consist of about sixty horse, yet we are upon raising three troopes more, one in each county of about forty horse in each troope. Our other forces are Trained Bands. There is a major in each county, who commands the militia of that county under the governor for the time being, who is the General of all the forces within our Colony. The whole amount to 2507. The names of the several counties are:

"Hartford County where are about 835 trained soldiers	
"New Haven "	" " " 623 " "
"New London "	" " " 509 " "
"Fairfield "	" " " 540 " "
<hr/>	
2,507	

"Our horsemen are armed with pistolls and carbines. The foot soldiers with musket and pike. For the

present in our late warrs with the Indians, we found dragoones to be most usefull and therefore improved about three hundred of these in the service to good successe. In 1689 our numbers were 2507."

Governor Trumbull's Report to His Majesty's Secretary of State, dated October, 1774, shows the number on the militia rolls to be 26,260 "all male persons from sixteen years of age to forty-five bear arms, the trained bands in each town attend four days in the year for instructions in military discipline. There are eighteen regiments with a troop of horse to each, and to some two troops; each regiment attends regimental exercise once in four years." In March 1775, the number of regiments of foot in Connecticut were 22, not including troop of horse, light dragoons, artillery, or independent companies.

In Rhode Island practically the same military organizations existed and in 1640, training days were eight times in a year, and at the second beat of the drum all men allowed and assigned to bear arms were to make their personal appearance completely armed to attend their colors by 8 o'clock in the forenoon; also two general masters in each year were provided for in addition. Training days in 1745 were reduced to twice a year, but the two general muster days in each year were continued, and later a review was had of each regiment or battalion twice a year and a general muster and review of each brigade once in two years.

## *First Confederation of American Fighting Forces Was in 1643*

The first confederation of the New England Colonies took place as early as 1643, and at a meeting of its commissioners in 1653, who were at that time in session at Boston, after having "considered what number of souldiers might be Requisite, if God called the Collonies to make warr against the Dutch, concluded that five hundred men for the first expedition should bee the number out of the four jurisdictions," and apportioned that number to the several colonies, as follows:

Massachusetts Bay . . . . .	333
Plymouth . . . . .	60
Connecticut . . . . .	65
New Haven . . . . .	42

and Captain John Leverett of Boston was selected as commander in chief of the forces to be so raised.

A few years after this, in 1665, the Connecticut and New Haven Colonies were united under one govern-

ment, and the Massachusetts Bay and the Plymouth Colonies united in 1692.

The militia in the City of New York in 1678 were formed into companies of 100 men each, and although but indifferently provided with firearms, and those of all sizes and patterns, they were drilled and rendered excellent marksmen by continual practice in firing at a mark. In December 1772, the Governor of the Province of New York held a general review in the fields of seven independent companies of the militia formed into a battalion in the following order:

- The grenadiers,
- Two companies of the Governor's guard,
- The rangers,
- The Germans,
- One of the companies of artillery, and
- One company of the light infantry.

The review was witnessed by "a splendid assembly of the principal ladies and gentlemen." After the review the officers were entertained by the Governor, who wrote to Lord Dartmouth, stating that, "it was the most brilliant militia review that ever was had within His Majesty's American dominions." In June 1773, the Governor of the Province of New York forwarded to the home government an abstract of the state of the militia in the province of New York, by which it appears that there were 26 regiments of foot and 11 troop of light horse, of which one regiment and one troop were in New York county.

The Pennsylvania militia was organized and trained along the same lines as were the other colonies and in 1775 it was organized into battalions, and on the 19th day of August of that year consisted of 53 battalions, and in 1776 some of these battalions were composed of 8 companies.

George Washington received his early military training in the Virginia militia, and in 1751, at the age of 19 years, he was appointed adjutant of the militia, and in 1753 he was made commander of the Northern Military District of Virginia, and in 1755 he was commissioned commander in chief of all the Virginia militia.

It will thus be seen that the training in arms and the preparation against surprise and attack have been handed down from the days of Capt. John Smith and Capt. Miles Standish, and that, as the settlements increased and the population multiplied, the military forces increased in equal ratio, which were under the immediate supervision of the various Colonial General Courts, the Legislature, or the Governor of the colony. The company officers, who must be freemen, were

elected by the freemen of the trained band to which they belonged; every freemen was compelled to serve in the militia and their names presented to the General Court or Legislature, and if such elections were confirmed commissions were issued by the General Court or Legislature, signed by the Governor and under the seal of the colony, and forwarded to the respective officers.

Company drills were held at irregular periods and at such times and places as the commanding officer might designate, and should not be confused with training days or muster days, which were held in the fields and at the times prescribed by the General Court or Legislature. In Massachusetts, the minutemen, which were picked men from the trained bands, during the latter part of 1774 and the early part of 1775, were "disciplined three times a week and oftener as opportunity might offer."

### *The First Men of the Nation Were Drilled in Use of Arms*

Training days, of which there were from two to six during the year, were, in a military sense, the graduating exercises of a finished course of instruction in company drills. Assembly was sounded in some of the colonies at 8 o'clock in the forenoon, and in others at 1 o'clock in the afternoon, when the companies were formed, roll-called, and the militia exercised in the manual of arms and marching in close order. This was followed by a review and inspection by the colonial officers, then target practice and firing by squads. After this the forces were divided and maneuvered in extended order and finally ended the day by participating in a sham battle. The various state military camps now take the place of the colonial training days.

On muster days every freeman in the colony between the ages prescribed for military duty, except those exempted, was compelled to be present and be inspected, or examined, as to his fitness for military duty and, if he passed the necessary qualifications, he was mustered into the militia in his respective district and required to attend company drills and training days.

From these different trained bands there were principally recruited the quota of soldiers which the several colonies were called upon from time to time to furnish in the various wars in which the home government was engaged during the colonial period. The last and most important colonial war, as far as the colonies were concerned, was the French and



Indian War, 1754 to 1764, during which the Virginia militia was commanded by George Washington. It might be well to add here that out of 23 American major generals of the Revolutionary War, the majority of them (12) had served with distinction as commissioned officers in the French and Indian War, and several of the others as Indian fighters.

Washington's letters during his service in the first Continental Congress held at Philadelphia in September 1774 show that he was under no delusion as to the outcome of the taxation struggle, and that he expected war, and after its adjournment he was actively engaged in perfecting the militia of Virginia.

The first session of the Massachusetts Provincial Congress was held at Salem on the 7th day of October 1774, and, after being temporarily organized, adjourned to the 11th day of October 1774, to meet at the courthouse at Concord, and, as the improvement of the militia was an object of importance, arrangements were made for increasing the quantity of warlike stores, and the organization of an army, and, at the session held on the 10th day of December 1774, the several towns and districts in the province were advised to "see that each of the minutemen not already provided therewith should be immediately equipped with an effective firearm, bayonet, pouch, knapsack and thirty round of cartridge and balls."

On the 8th day of April 1775, the Provincial Congress of Massachusetts resolved that an army should be raised and established, and that other New England colonies should be asked to furnish their quota of men for the general defense.

The records of the committee of safety and supplies show that, in accordance with the resolution of October 1774, authorizing the collection of military stores, that various stores, arms and ammunition were being collected and stored at Concord. To seize those stores Lt. Col. Francis Smith, with a detail of British regulars, consisting of about 800 men, embarked from the Boston Common at 10 o'clock Tuesday night on the 18th day of April 1775, crossed the Charles River and began the march, which was to bring on the Revolutionary War. He met and dispersed the forewarned minutemen at Lexington at 5 o'clock on the morning of the 19th of April 1775, and marched on to Concord, destroyed the stores and commenced his return.

*"You know the rest in books you have read,  
How the British regulars fired and fled,  
How the farmers gave them ball for ball,*

*From behind each fence and farmyard wall;  
Chasing the red coats down the lane,  
Then crossing the fields to merge again  
Under the trees at the turn of the road,  
And only pausing to fire and load."*

At length, about sunset, almost on a run, the British reached Charlestown Common, where they were sheltered by the guns from the ships. The pursuit stopped and the colonial officers held a consultation. A guard was formed, sentinels posted, and detachments were sent out to watch the enemy. The remaining provincial forces consisting of minutemen and trained bands encamped around Boston.

Soon after this the men encamped around Boston were asked by the committee of safety, which was the executive committee of the Provincial Congress of Massachusetts, to enlist until the end of the year, or for a shorter period; also a vigorous circular letter, dated the 20th day of April 1775, was sent to the neighboring towns urging the organization of an army and on the 23d day of April 1775, the Provincial Congress of Massachusetts decided that an army of 30,000 men be immediately raised and that 13,600 be raised from Massachusetts. Committees were sent to the Congress of New Hampshire at Exeter and to the governments of Rhode Island and Connecticut to inform them of those resolutions and urge the furnishing of men in the same proportion.

### *Minutemen and Trained Bands Were America's First Protectors*

So thorough had the work of organization been accomplished in the colonies during the years 1773, 1774, and the early part of 1775, that an appeal for men when the Siege of Boston commenced was immediately successful and a force of from 20,000 to 40,000 men, consisting of minutemen and trained bands, was soon raised. "Throughout the colonies a network of local committees controlling militia companies and postriders, formed in each colony at the suggestion of the Virginia House of Burgess in March 1773, watched the approaching storm, tested the loyalty of those who professed to welcome it and guided the popular indignation, and when the Battle of Lexington came, the colonies were as well prepared for war as the poor dependencies of a powerful nation could be."

The forces besieging Boston were temporarily under the command of Gen. Artemas Ward, who received his commission from the Provincial Congress of Mas-

sachusetts as commander in chief on the 19th day of May 1775. A short time prior to this, however, the Provincial Congress of Massachusetts sent a communication to the Continental Congress, then in session at Philadelphia, offering the direction of the forces to that body and suggesting, as had been proposed by General Ward, the organization of an army on the following basis:

1. A General in Chief.
2. Troops to be enlisted for the war.
3. Provisions to be made for the support of the families of soldiers.
4. That a loan should be negotiated for the equipment and support of the body, which should be called "The American Continental Army."
5. That the volunteers there in the field before Boston were, as far as practicable, to be reenlisted, and a special light infantry corps, consisting of six companies of "expert riflemen" from Pennsylvania, Maryland, and Virginia, were also to be enlisted.

On the 14th day of June 1775, a system of rules and articles of war were prescribed by the Continental Congress, which also resolved that six companies of expert riflemen be immediately raised in Pennsylvania, two in Maryland and two in Virginia, to reenforce the army near Boston. On the following day, June 15, 1775, the Continental Congress announced the selection of George Washington as general and commander in chief of the united colonies and of all the forces now raised or to be raised by them.

*First Record of an American Continental Army Was in 1775*

The term, "Continental Army," first officially appears under the printed records of the Continental Congress in the summary of the proceedings for the 14th day of June 1775, where the form of enlistment to be subscribed by companies of riflemen is given. It was to be an enlistment into the "American Continental Army." On the same day a committee of five was appointed to prepare rules and regulations for the government of this prospective army, which were reported and adopted on the 30th day of June 1775.

For the year 1775 no Continental Army was in the first instance organized as such by the Continental Congress, and as the colonies were mustering their trained bands and minutemen around Boston and Ticonderoga after the Lexington alarm, and as they were already in the field as good material for the nucleus of such an army, the Continental Congress

adopted them as the Continental Army, but troops joining later were generally recruited on the Continental basis. After the year 1775 and for the succeeding years of the war, the Continental Congress took the initiative and raised troops for the common army under its own regulations respecting pay, subsistence, and term of enlistment. The army, however, as will appear, was organized and reorganized several times during the Revolutionary War, and for various terms. These Continentals were the "regulars" of the Revolution. They formed the main army in the field and were the chief dependence of the revolutionary cause. All other troops raised during the war were either State troops or militia, and were to act as reinforcements of this army, or to relieve it by serving in alarms at different points.

General Washington arrived in camp at Cambridge, Mass., on the 3rd day of July 1775, and the provincial forces having accepted his leadership and the regulation of the Continental Congress, the entire force consisting of about 14,500 men were placed upon a Continental establishment. This new relation was officially announced by the commander in chief in general orders, dated Headquarters, Cambridge, July 4, 1775, as follows: "The Continental Congress having now taken all the Troops of the several Colonies, which have been raised, or which may be hereafter raised, for the support and defense of the Liberties of America into their Pay and Service, they are now the Troops of the United Provinces of North America; and it is to be hoped that all Distinctions of Colonies will be laid aside so that the one and the same spirit may animate the whole, and the only contest be, who will render on this great and trying occasion the most essential Service to the great and common cause in which we are engaged."

After the campaign of 1776 the army was reorganized for 1776. It was not, however, until the reorganization of the Continental Army for 1777, that Congress realized that the contest could not be successfully carried on with troops enlisted for short terms. The need of a permanent disciplined army to cope with the British "regulars" was recognized as urgent. Congress accordingly, by resolutions of the 16th and 20th days of September, and the 8th day of October 1776, provided for such a body. The army was proportioned among the States according to their population, as follows:

	<i>Regiments</i>
Massachusetts.....	15
Virginia.....	15



	<i>Regiments</i>
Pennsylvania.....	12
New York.....	4
Maryland.....	8
Connecticut.....	8

And the rest in like ratio.

As a body they formed the Continental Army, and the regiments of each State formed a subdivision by themselves. Each State quota thus became a "Line Regiment" in itself, which was designated by its State's name, as the "New York Line," "Connecticut Line," etc., each being a distinct body commanded by officers from its own State and cared for by its own State as well as by Congress. Inspired by a common cause and welded into a homogeneous body under the leadership of General Washington, it was these State "Lines," facing the enemy as a single "Continental Army" that were to bear the burden of the war for the next 6 years and bring it to a successful close.

### *Washington Called for "Clean and Spruce" Men in 1776*

The Washington Continental Guard, also known as the Washington Life Guard, Captain Gibbs Guard, and the Commander in Chief's Guard, was organized on the 12th day of March 1776, a few days before the termination of the Siege of Boston, pursuant to the following order:

HEADQUARTERS, CAMBRIDGE,  
March 11, 1776.

The General is desirous of selecting a particular number of men as a guard for himself and baggage. The colonel, or commanding officer, of each of the established regiments, the artillery and riflemen excepted, will furnish him four, that the number wanted may be chosen out of them. His Excellency depends upon the colonels for good men, such as they can recommend for their sobriety, honesty and good behavior. He wishes them to be from five feet eight inches to five feet ten inches, handsomely and well made, and as there is nothing, in his eyes, more desirable than cleanliness in a soldier, he desires that particular attention may be made in the choice of such men as are clean and spruce. They are to be at headquarters to-morrow precisely at twelve o'clock noon, when the number wanted will be fixed upon. The General neither wants them with uniforms, nor arms, nor does he desire any man to be sent to him that is not perfectly willing, or desirous of being of this Guard. They should be drilled men.

On the following day, March 12, 1776, Caleb Gibbs of Massachusetts was commissioned captain of the Guard, which consisted of a major's command of 180 men, to whom was entrusted the details of the organization.

The Guard, like the Continental Army, was organized and reorganized several times during the Revolutionary War, and on the 22d day of April 1777, the commander in chief sent the following letter to Captain Gibbs:

MORRISTOWN, April 22, 1777.

CAPTAIN GIBBS:

DEAR SIR:

I forgot before you left this place to desire you to provide clothing for the men that are to compose my Guard. . . . Provide for four sergeants, four corporals, a drum and fife and fifty rank and file. If blue and buff can be had, I should prefer that uniform, as it is the one I wear myself. I shall get men from five feet nine inches to five feet ten inches for the Guard; for such sized men, therefore, make your clothing. You may get a small round hat, or a cocked hat, as you please. . . .

I am, dear sir, your most obedient

GEORGE WASHINGTON.

In accordance with the foregoing, and on the 30th day of April 1777, the general issued the following circular to the colonels, or commanding officers, of the various regiments stationed at Morristown:

SIRS:

I want to form a company for my Guard. In doing this I wish to be extremely cautious, because it is more than probable that in the course of the campaign my baggage, papers, and other matters of great public import may be committed to the sole care of these men. This being premised in order to impress you with proper attention in the choice. I have to request that you will immediately furnish me with four men of your regiment; and, as it is my further wish that the company should look well, and be nearly of a size, I desire that none of the men may exceed in stature five feet nine inches; sober, young, active and well made. When I recommend care in your choice, I would be understood to mean of good character in the regiment, that possesses the pride of appearing clean and soldierlike. I am satisfied that there can be no absolute security for the fidelity of this class of people; but yet I think it most likely to be found in those who have family connections in the country. You will, therefore, send me none but natives, as I do not want to create any individual distinction between them and the foreigners.

The Guard varied in numbers at different periods during the Revolutionary War. At first it consisted of 180 men. During the winter of 1779-80 it was increased to 250 men and in the spring of 1780 it was reduced to its original number and in 1783, the last year of the war, it consisted of 64 noncommissioned officers and privates. It was the duty of the infantry portion of the Guard to guard the headquarters and insure the safekeeping of the papers and effects of the commander in chief, as well as the safety of his person. The mounted portion accompanied the commander in chief on his marches and in reconnoitering, and were also employed as patrols, videttes and bearers

of the commander in chief's orders to various military posts.

### *Uniforms of Soldiers of Continental Army in 1776*

The Continental Congress on the 8th day of October 1776, resolved "that for the further encouragement of the noncommissioned officers and soldiers, who shall engage in the service during the war, a suit of clothes be annually given to each of said officers and soldiers, to consist for the present year of two linen hunting shirts, two pair of overalls, a leathern or woollen waistcoat with sleeves, one pair of breeches, a hat or leather cap, two shirts, two pair of hose and two pair of shoes." On the 25th day of November 1779, Congress further resolved, that the following articles be delivered as a suit of clothes for the current and every succeeding year of their service to the officers of the line and staff, entitled by any resolution of Congress to receive the same, viz.: "one hat, one watch coat, one body coat, four vests, one for winter and three for summer; four pair of breeches, two for winter and two for summer; four shirts, six pair of stockings, three pair thereof worsted and three of thread and four pair of shoes."

On the 23d day of March 1779, Congress by resolution "authorized and directed the commander in chief, according to the circumstances of supplies of clothing, to fix and prescribe the uniform, as well as with regard to color and facing, as also as to cut and fashion of the clothes to be worn by the troops of the respective states and regiments—woolen overalls for winter and linen for summer."

In accordance with the above resolution, the following general order, dated Headquarters, Moore House, October 2, 1779, was issued by General Washington:

The following are the uniforms that have been determined for the troops of these states respectively, so soon as the state of the public supplies will permit of their being furnished accordingly; and, in the meantime, it is recommended to the officers to endeavor to accommodate their uniforms to the standard, that when the men come to be supplied, there may be a proper uniformity.

New Hampshire, Massachusetts, Rhode Island and Connecticut:

Blue faced with white,  
Buttons and linings white.

New York and New Jersey:

Blue faced with buff,  
Buttons and linings white.

Pennsylvania, Delaware and Virginia:

Blue faced with red,  
Buttons and linings white.

North Carolina, South Carolina and Georgia:

Blue faced with blue,  
Button holcs edged with narrow white lace or tape,  
Buttons and linings white.

Artillery and Artillery Artificers:

Blue faced with scarlet,  
Scarlet linings,  
Yellow buttons,  
Yellow bound hats,  
Coats edged with narrow lace or tape and button holes bound with same.

Light Dragoons:

The whole blue,  
Faced with white,  
White buttons and linings.

HEADQUARTERS, SHORT HILLS,

June 18, 1780.

The colonels, lieutenant colonels and majors, the uniforms of their regiments and two epaulettes.

The captains, the uniform of their regiment and an epaulette on the left shoulder.

All officers as will warrant, as commissioned, to wear a cockade and side arms, a sword or a genteel bayonet.

HEADQUARTERS, NEWBURGH,

May 14, 1782.

The clothier is, if practicable, to obtain, worsted shoulder knots for the noncommissioned, to wear a cockade and side arms, distinguished by one on each shoulder and the corporals by one on the right shoulder, and in the meantime it is proposed that a piece of white cloth should be substituted by way of distinction.

The military record of the New World, while not as spectacular as that of the Old World, is a story of strong men with strong hearts who have conquered strong forces until today this first struggling republic is one of the strongest nations of the earth and stands at this moment a world power—learned in the arts of peace and the forerunner of an age of Universal Brotherhood.



# THE AMERICAN COLONIES IN THE SEVENTEENTH CENTURY

HERBERT L. OSGOOD, *Professor of History, Columbia University, N. Y., Macmillan, 1904*

## VOL. I, CHAPTER XIII <sup>1</sup>

### *The System of Defence in the New England Colonies*

In the treatment of this subject, as of the others which have passed in review, the experience of Massachusetts will be brought chiefly into requisition, while that of the other New England colonies will be cited so far as to show that the measures adopted for defence were substantially the same in them all. The Narragansett plantations took a less prominent part in the expeditions and wars of the seventeenth century than did the neighboring colonies; but that in the beginning is to be attributed to the fact that they were excluded from the New England Confederacy and were forced by their situation to cultivate friendship with the Indians. At a later time the addition of a Quaker element to their population, together with the growth of commercial interests, increased the disinclination to war.

The charter of Massachusetts, in language very similar to that used in all the other royal charters, empowered the governor and company "for their speciall defence and safety, to incounter, expulse, repell, and resist by force of armes, as well by sea as by lande, . . . all such person or persons as shall at any tyme hereafter attempt or enterprise the destruction, invasion, detriment or annoyance to the said plantation or inhabitants." The exercise of this power gave rise to the militia system of Massachusetts and to its provisions for coast and frontier defence. In consequence of the removal of the governor and company into the colony, the power was exercised by them directly and not through the medium of appointees acting at a great distance from the centre of authority. As the other New England colonies, until they received royal charters, assumed the power, and used it in much the same way as did Massachusetts, the result was the development of a military system which in its main features was common to them all.

The Puritan belonged to the militant type of humanity and considered the defence of his inheritance, by force of arms if necessary, as nothing less than a religious duty. "For," said the general court of Massachusetts in the preamble to the militia law of 1643,<sup>2</sup> "as piety cannot bee maintained without

church ordinances & officers, nor justice without lawes & magistracy, no more can our safety & peace be preserved without millitary orders & officers." "Although", says worthy Edward Johnson, "the chiefest work of these select bands of Christ was to mind their spiritual warfare yet they knew right well the Temple was surrounded with walls and bulworks, and the people of God in re-edifying the same did prepare to resist their enemies with weapons of war, even while they continued building."<sup>3</sup> The Massachusetts company, before its governing body was removed from England, bought cannon, with military equipment for approximately one hundred men, sent them, together with a master gunner, to Salem, and ordered Endicott to have all planters and servants instructed in the use of arms, and to designate certain days<sup>4</sup> for trainings.

But it should be borne in mind that in American colonies the subordination of the military to the civil power was quite as much a cardinal principle as it was in England. Winthrop states that when, during the Antinomian excitement, certain gentlemen and others of Boston desired incorporation as an artillery company, the magistrates reflected on the example of the Pretorian band among the Romans and the Templars in Europe. They thought "how dangerous it might be to erect a standing authority of military men, which might easily in time overthrow the civil power," and resolved to "stop it betimes."<sup>5</sup> The anxiety was unnecessary, for the industrial forces in colonial society so greatly outweighed the military as to effectually remove the peril that was feared. A few who had received training in European armies came to the colonies with the first settlers, but their successors and the great body of their contemporaries never gained any military experience save that which came from Indian fighting or from an occasional muster. Officers and privates alike were civilians; they were husbandmen, artisans, or small traders, withdrawn from their homes and business for a brief scout, march, or campaign. In the colonies there was no opportunity for the development of the pro-

<sup>3</sup> Johnson, *Wonder-working Providence of Sion's Savior in New England*, Poole's Ed. 190.

<sup>4</sup> Mass. Col. Recs. I. 26-37 g, 392.

<sup>5</sup> Winthrop, I. 305.

<sup>1</sup> Reprinted by permission of Columbia University Press.

<sup>2</sup> Mass. Col. Recs. II. 42.

fessional soldier. Indian warfare was not favorable to that. Time for training and service must be taken, at considerable cost, for occupations which, if they were to yield even a modest livelihood, demanded strenuous application and effort. Families were large, resources were small. Population was sparsely distributed. The home was often located in places where danger lurked, and where the presence of the grown men of the household was imperatively needed for protection. Fields must be planted and harvests gathered at the proper time, or the community would immediately suffer want. Under these conditions it was impossible for the colonists to do more than organize a militia system, which in a more or less crude way would meet the need for defence. Military law, like all other law, emanated directly or indirectly from the general court. The committees and administrative boards which controlled the equipment of soldiers and directed their movements consisted in most cases of the same men who guided the affairs of the colony in civil relations. The officers were in many cases elected by the men—their neighbors—whom they commanded, and in all cases they derived their authority from an elective body. Under these conditions training was imperfect and discipline a result of voluntary consent almost as much as of positive law. These conditions, combined with the limited resources both of the soldier and of the colonial treasury from which his wages were paid, and with the fact that the commissariat played a very subordinate part in the outfit of a force, explain why it was that the military arrangements of the colonies were crude, and their soldiery was unfit for long periods of active service.

In all the colonies, as in England, the militia system was based on the principle of *the assize of arms*. This implied the general obligation of all adult male inhabitants to possess arms, and, with certain exceptions, to cooperate in the work of defence. In this duty, as in the payment of taxes, the distinction between freemen and nonfreemen to an extent disappeared. The possession of arms also implied the possession of ammunition, and the authorities paid quite as much attention to the latter as to the former. In Massachusetts the arms and ammunition which had been purchased by the company in England were doubtless distributed, and all were required to furnish themselves with a proper equipment. The court of assistants, in March 1631,<sup>6</sup> ordered that within the

next two weeks every town should see that all men, servants included, should be furnished with good and sufficient arms, such as were approved by the captain or other officers. Magistrates and ministers alone were excepted. Those who had no arms, and who were able to purchase them, should do so. Others should be supplied by the town, and return to it the sum expended as soon as they were able. A year later it was ordered that any single man who had not furnished himself with arms might be put out to service, and this became a permanent part of the legislation of the colony.<sup>7</sup> In 1634 more weapons were brought from England, and they were distributed among the towns, in order that they might have them ready at all times as a town stock. It was then provided that any one who was delinquent in the matter of furnishing himself with arms should be fined 10 shillings.<sup>8</sup> Supplies of ammunition were at various times procured from England or the continent. In 1653 a stock of arms, as well as ammunition, was procured through the Commissioners of the United Colonies, and it was distributed among the four Puritan commonwealths.<sup>9</sup> In 1667<sup>10</sup> Massachusetts began to increase its supply of powder by a tonnage duty. The manufacture of powder was also encouraged, and occasionally its exportation without special license was forbidden. Periodical inspections were ordered.

Clauses intended to insure the possession of arms and ammunition by all who were subject to military service appear in all the important enactments concerning military affairs. Fines were the penalty for delinquency, whether of towns or individuals. According to the usage of the times, the infantry of Massachusetts consisted of pikemen and musketeers. The law,<sup>11</sup> as enacted in 1649 and thereafter, provided that each of the former should be armed with a pike, corselet, headpiece, sword, and knapsack. The musketeer should carry a "good fixed musket," not under bastard musket bore, not less than three feet, nine inches, nor more than four feet three inches in length, a priming wire, scourer, and mould, a sword, rest, bandoleers, one pound of powder, twenty bullets, and two fathoms of match. The law also required that two-thirds of each company should be musketeers.

<sup>7</sup> Ibid. 93, II. 222; Col. Laws, Ed. of 1889, 177; Col. Laws, Ed. of 1887, 109.

<sup>8</sup> Mass. Recs. I. 125.

<sup>9</sup> Conn. Recs. I. 239, 244.

<sup>10</sup> Mass. Recs. IV<sup>2</sup>. 331.

<sup>11</sup> Col. Laws, Ed. of 1889, 177.

<sup>6</sup> Mass. Recs. I. 84.



The law in Plymouth concerning the size of the musket, when used for military purposes, was much the same as that of Massachusetts.<sup>12</sup> Provisions concerning the equipment in general were substantially the same as those of Massachusetts. In March 1638, just before the expedition against the Pequots, the purchase of 50 corselets for the towns along the Connecticut River<sup>13</sup> was ordered. All were commanded to keep in readiness powder and bullets,—and match if the piece was a matchlock. In the Connecticut Code of 1650,<sup>14</sup> and in the New Haven Code of 1656, appear explicit provisions relating to equipment which might well have been suggested, not merely by the existing law of those colonies, but by that of Massachusetts and by earlier practice in England.

Following European traditions, the law of Massachusetts in the early time required that two-thirds of each trained band should be musketeers and one-third pikemen.<sup>15</sup> Whether or not this proportion was maintained among the infantry of the other colonies we are not informed. The staff of the half-pike which was carried was not far from 10 feet long.<sup>16</sup> As a weapon it was found practically useless in Indian warfare; but, as New Englanders had no prolonged or very serious conflicts with the natives till Philip's war, the pike kept its place in the general equipment.<sup>17</sup> But that war banished it from Massachusetts, and probably from New England as a whole. By an order<sup>18</sup> of October 1675, all pikemen from Massachusetts were commanded to furnish themselves with muskets and the ammunition required therewith. When, in the following year, Edward Randolph transmitted to the home government an account, among other things, of the militia system of Massachusetts, he stated that pikemen formed no part of it, for they were found to be use-

less in wars with the Indians.<sup>19</sup> With the pike we may suppose that the use of armor also disappeared.

Previous to the time of Philip's war, the musket which was in common use was the matchlock.<sup>20</sup> In this the powder was fired by a slow-burning matchcord, prepared by being soaked in saltpetre. So heavy was the gun that the soldier had to carry a "fourquette," or forked stick, on which to rest the weapon when he fired it. Around his left side, hanging under his right arm, was his bandoleer. This was a belt 2 inches wide, to which were attached 12 small cylindrical boxes, each holding one charge of powder. From the belt likewise hung a priming wire, a bullet bag, and a case containing several yards of match. The musketeer also carried a short sword. The "postures of the musket," or movements to prepare, aim, and fire this weapon, were no less than 57. The matchlock was thus not only most clumsy, but very crude, being apt to fail at the critical moment, while the heavy equipment necessitated by it proved a serious obstacle to the mobility of the troops.

But from the earliest days of the colonies flintlocks or firelocks, carbines, and pistols had been to an extent in use. As the century advanced<sup>21</sup> they became more common. Therefore, with the opening of Philip's war the matchlock disappeared almost as quickly as did the pike. In November 1675, Massachusetts ordered that every town should provide six flints for every listed<sup>22</sup> soldier of the town. The previous month it enacted that every trooper should provide himself with a carbine.<sup>23</sup> In November, Connecticut ordered a "stock of flints"<sup>24</sup> to be sent to New London for the expedition against the Narragansetts. In February 1676, the Massachusetts committee of war estimated that 2,000 flints were necessary for an expedition of 500 men.<sup>25</sup> By order of July 1677, Plymouth banished the matchlock, and ordered that all should supply themselves with firelock mus-

---

<sup>12</sup> Recs. XI. 104. Provisions concerning equipment in general, which were substantially the same as those in the Laws of Massachusetts, are in Brigham, *Laws of New Plymouth*, 31, 44, 45. References to the pike appear in Plymouth Col. Recs. XI. 127, 181, 183.

<sup>13</sup> Conn Col. Recs. I. 14, 15.

<sup>14</sup> Ibid. 542; New Haven Recs. II. 602.

<sup>15</sup> Col. Laws, Ed. of 1889, 177.

<sup>16</sup> Conn. Recs. I. 74.

<sup>17</sup> In the comprehensive militia law of 1643 Massachusetts repealed a previous order that every man should be supplied with a musket, and encouraged the use of pikes. Recs. II. 43.

<sup>18</sup> Mass. Recs. V. 47.

---

<sup>19</sup> Pubs. of Prince Society, Hutchinson Papers, II. 220; Judd, however, states (*History of Hadley*, 229) that Boston had some pikemen in 1686.

<sup>20</sup> Elton, *The Compleat Body of the Art Military*; Judd, *History of Hadley*, 224; Roberts, *History of the Ancient and Honorable Artillery Company of Massachusetts*, I.; Bodge, *The Soldiers of King Philip's War*, 478.

<sup>21</sup> Judd, *op. cit.* 228.

<sup>22</sup> Mass. Recs. V. 63.

<sup>23</sup> Ibid. 47.

<sup>24</sup> Conn. Recs. II. 383.

<sup>25</sup> Judd, 229.

kets.<sup>26</sup> Thus by the close of the war the matchlock, as well as the pike, had been practically discarded, and by a law of 1693 it was provided that Massachusetts infantry should be furnished with firelock muskets and the troopers with carbines and pistols.

*The men who were procured for service, armed and furnished with ammunition in the way indicated, were first organized into trained bands, in imitation of the trained bands of London and of the English counties.*<sup>27</sup> In Massachusetts, soon after Winthrop's arrival, two veterans, Underhill and Patrick, were employed for a year to train the companies,<sup>28</sup> their wages for the first half year being specified. As towns were formed, the number of trained bands was increased, each town being required to form one.

*These became the militia companies of the colony.* In 1652 the general court ordered that the number of men in a company should not be less than 64, nor more than 200.<sup>29</sup> When the number of soldiers exceeded the maximum, the company was divided; in cases when it was less than the minimum, the soldiers of one or more towns were joined to form a company. As the companies were organized, the duty of training them devolved immediately on locally elected military officers—captains, lieutenants, sergeants, ensigns.

One of the most important officers connected with the militia company, and one who appears in all the colonies, with the possible exception of Rhode Island, was the clerk of the band. His powers appear with the greatest clearness in the laws of Massachusetts and Connecticut.<sup>30</sup> He kept the list of the company, and hence of all residents of the town who were liable to military service. He, therefore, it was who, in Massachusetts and Connecticut, was chiefly active in taking the assize of arms, though in some of the colonies the captain, or other strictly military officer, seems to have borne a more prominent part in it than he did. According to Massachusetts law, the view of the arms and ammunition of the company was taken in the towns twice every year. Once yearly the arms of all other inhabitants were surveyed. On training days the clerk attended, called the lists of those who should be present, and noted the names

of absentees. The arms of the company must then be submitted to the inspection of the captain. All fines which were imposed for failure to attend trainings, or to keep the required weapons, or to keep them in proper condition, were collected by the clerk of the band. To this end he was given the right to levy by distress. The fund thus collected he might, with the advice of the chief officers, expend for ensigns, drums, or other supplies needed by the company.

The oath of the clerk of the military company in Plymouth required him to keep a list of the men, to attend all their trainings, to note all violations of the laws of the company, to collect all fines and duly to account for the same.<sup>31</sup> In Connecticut his duties were expressed in much the same terms, with the addition that he should take the assize of arms twice every year.<sup>32</sup> According to New Haven law the clerk of the band acted in conjunction with the other officers of the company in taking the assize of arms, and it was his particular duty to present the names of the delinquents before the plantation court or the proper officer for punishment.<sup>33</sup>

The first act providing for troopers, or cavalry, in Massachusetts was passed in 1648.<sup>34</sup> This authorized the listing within each regiment of such as would willingly serve on horseback; they were to be organized as troops, each to contain not less than 30 nor, until 1663, more than 70<sup>35</sup> men. Each trooper must be furnished with a horse, bridle and saddle, a sword belt, a case of pistols with holsters, or a carbine in a belt, one pound of powder, and 20 bullets. The cost of furnishing a horse, with its equipment, was such as to exclude all but the well-to-do from this branch of the service. In 1663 it was enacted that none should be listed as troopers except those whose parents, or who themselves, possessed a taxable estate of the value of £100. As special inducements to encourage the enlistment of troopers, they were granted exemption from training in all foot companies and from constable's watches, freedom from rates for person and horses, a wage of 5 shillings yearly, liberty to choose lieutenants and other inferior officers, free ferriage to and from their places of training or service, the exemption of their horses from being impressed for any other service. The officers of the troop were the same as those of an infantry company, with the

<sup>26</sup> Plymouth Recs. XI. 245.

<sup>27</sup> For the efficiency and training of these, see Firth, Cromwell's Army, 5-11.

<sup>28</sup> Mass. Recs. I. 75.

<sup>29</sup> Mass. Recs. IV<sup>1</sup>. 86.

<sup>30</sup> Mass. Recs. II. 118; Mass. Laws, Ed. of 1889, 178; Conn. Col. Recs. I. 542; New Haven Col. Recs. II. 602; Brigham, Laws of New Plymouth, 145.

<sup>31</sup> Plymouth Co. Recs. III. 50, XI. 181.

<sup>32</sup> Conn. Col. Recs. I. 542.

<sup>33</sup> New Haven Recs. II. 602.

<sup>34</sup> Mass. Recs. II. 243.

<sup>35</sup> Ibid. IV<sup>2</sup>. 97.



addition of a cornet and quartermaster. The importance of this arm of the service steadily increased during the century, troops being formed in many of the towns. During Philip's war many of them were converted into dragoons, or mounted infantry, and did good service in winter as well as summer.

The first troop of horse in Plymouth was organized in 1658.<sup>36</sup> It consisted of 33 men, who were drawn in small quotas from all the towns of the colony. They were exempted from watch and ward and from service on foot. Their horses were no longer to be counted among taxable property. Later, authority was given to increase the number through volunteers to 48, commissioned officers excepted. When, in 1675, these troopers were required to procure carbines and serve as dragoons, they declined to do so. Therefore, the general court ordered that they should be disbanded and return to their foot companies, to serve there subject to the usual regulations for infantry. The jurisdiction of New Haven had, after 1657, one small troop of horse, raised chiefly in the towns of New Haven and Milford. It seems to have been disbanded when the separate existence of that colony came to an end.<sup>37</sup> Among the River Towns troopers appear in 1658, and then first presented the officers they had chosen to the general court for confirmation.<sup>38</sup>

Not until 1667, when England was at war with the Dutch, did the assembly of Rhode Island recommend<sup>39</sup> to the towns the taking of steps preliminary to the formation of a troop of horse. Before the end of that year such a troop was organized on the Island, and officers were appointed by the Governor and council. In 1682, on petition of certain persons of the towns of Providence and Warwick, permission was given for the organization of a troop there, its number not to exceed 36.

*The raw material of New England soldiery was subjected to not infrequent trainings.* The attention of the magistrates and lawmakers was directed quite as much to this subject as to the necessity of procuring a sufficient quantity of arms and ammunition. At first it was ordered in Massachusetts that captains should train their companies every Saturday.<sup>40</sup> The next year, 1632, it was provided that trainings should be held once a month.<sup>41</sup> But experience soon convinced the

court that this number imposed too heavy a burden, and accordingly trainings were omitted during July and August.<sup>42</sup> In 1637 the number was reduced<sup>43</sup> to eight per year, and later to six days, where it remained till 1679. Then the number of general compulsory trainings was reduced to four, though the officers of the companies were given authority to train their men two additional days in the year if they so wished.<sup>44</sup>

*With a few exceptions, all males of military age—16 to 60 years—whether freemen, free residents, or servants, were compelled to train.* According to the Massachusetts law of 1647<sup>45</sup> the exempted classes included all members of the general court, officers, fellows and students of Harvard College, elders and deacons, schoolmasters, physicians and surgeons, the treasurer and surveyor general, public notaries, masters of vessels of above 20 tons burden, fishermen who were employed at all fishing seasons, millers, constant herdsmen, and all others who, from bodily infirmity or other just cause, should be excused by any county-court or the court of assistants. According to a law of 1642<sup>46</sup> all who were exempt from trainings, save magistrates, clergymen, physicians, scholars, and surgeons, should appear fully armed before the military officers twice a year to be trained. In 1652 it was enacted<sup>47</sup> that all Scotchmen, Negroes, and Indians, inhabiting with or servants to the English, should attend trainings; but this law was subsequently repealed. Farmers who lived at too great a distance from the training grounds of their companies were excused from attendance a part of the time,<sup>48</sup> but provision was made that, where as many as twelve could be brought together, an officer should be specially detailed to drill them. For a time after 1645 the law required that youths from ten to sixteen years of age should be trained.<sup>49</sup> In 1675, as Philip's war was beginning, it was ordered that only such masters of vessels as traded in foreign countries should be exempt from trainings.<sup>50</sup>

When the militia was regimented, regimental trainings of both horse and foot, under command of the sergeant-major, were provided for. At first

<sup>36</sup> Plymouth Recs. XI. 107, 183, 240.

<sup>37</sup> New Haven Recs. II. 173, 218, 302, 489, 550.

<sup>38</sup> Conn. Recs. I. 309, 381.

<sup>39</sup> R. I. Recs. II. 190, 214, 218; III. 117.

<sup>40</sup> Mass. Recs. I. 85.

<sup>41</sup> Ibid. 102.

<sup>42</sup> Ibid. 124.

<sup>43</sup> Ibid. 210; Laws, Ed. of 1887, 108.

<sup>44</sup> Recs. V. 212.

<sup>45</sup> Laws, Ed. of 1889, 177; Recs. II. 221.

<sup>46</sup> Recs. II. 31.

<sup>47</sup> Ibid. IV<sup>1</sup>. 86, 257.

<sup>48</sup> Law of 1652, Recs. IV<sup>1</sup>. 87.

<sup>49</sup> Ibid. II. 99.

<sup>50</sup> Mass. Recs. V. 33.

these occurred yearly;<sup>51</sup> but in 1648 this requirement, because it was "found by experience burdensome to the country," was repealed. Thenceforth the regiments were trained in turn, no one of them being required to meet for the purpose oftener than once in 3 years.<sup>52</sup> Absences from trainings, as well as other minor military offences, were punished by fine, the usual amount being 5 shillings.<sup>53</sup> Disorders and contempt of authority while on duty were punishable with the stocks, pillory, and other customary military punishments, or by a fine of not more than 20 shillings.<sup>54</sup> The determination of the kind and degree of the penalty was apparently left to the military officers in charge; they were perhaps being guided by articles of war. As an alternative course, the offender might be delivered to a constable who would carry him before a magistrate, by whom he might, if the case required, be bound over to the next court of assistants. The disorders on training days to which the laws refer were drunkenness, and firing at random, or at marks after dismissal, when the soldiers should have been in quarters.<sup>55</sup> These offences were forbidden and threatened with the usual penalties.

In Plymouth the inhabitants of every town who were able to bear arms were required to train at least six times every year.<sup>56</sup> In the Plymouth Records several interesting orders or rules of discipline have been preserved, and those enacted in 1643 for the company of Plymouth, Duxbury, and Marshfield, of which Miles Standish was then captain, are worthy of special mention.<sup>57</sup> Those were also extended to Sandwich, Barnstable, and Yarmouth. They provided that the exercise at each training should begin and end with prayer, and once a year at the election of its officers a sermon should be preached before the company. None should be received into the company but freemen of honest and good report—not servants—and they must be approved by the officers and the majority of the company. They must also take the oath of fidelity, if they had not previously taken it. During the time of exercise, talking, jeering, quarrelling, fighting, and other misdemeanors should be forbidden and punished. All minor offences should be punished by the officers of the company,

but no attempt appears to have been made to expressly limit their discretion, save in the amount of fines imposed on those who appeared without arms or with defective arms. Every time a soldier appeared without a musket or a sword, a rest, or bandoleers, he was, in the case of each weapon, to be fined 6 shillings. Six months were allowed him in which to procure the weapon he lacked, and if at the end of that time he failed to do so, his name should be struck off the list. Each member must pay 6 shillings per quarter for the use of the company. "That all postures of pike and muskett, motions, ranks and files, etc., messengers, skirmishes, sieges, batteries, watches, sentinels, etc.," say the orders, "bee always performed according to true military discipline!"

Trainings in Connecticut and New Haven were held during 6 days in the year, and present<sup>58</sup> no features to indicate any essential difference from the practice in Massachusetts. Among the few rules of discipline which have come down from that time, one issued by the council of Connecticut in 1676<sup>59</sup> will be found interesting, not only in comparison with that of an earlier date just cited from the records of Plymouth, but as a statement of the strict moral code which the Puritan ever desired to see enforced among soldiers when on the march or in camp. During the later provincial wars many a diarist was forced to note with sorrow how far both discipline and morals among the soldiers fell short of the ideal which is clearly set forth in these articles.

Though in the records of some of the towns of Rhode Island abundant references to trainings and to the organization of militia companies appear, slight mention of the subject appears in the records of the colony. In the early legislation of 1647, however, provision was made, not only that the inhabitants of the several towns should choose their military officers, but that the companies should be trained<sup>60</sup> eight times annually. The limits of military age, the requirements as to arms and taking of the assize, the functions of the clerk of the band, were in all essential respects the same as in the other New England colonies. As was natural, the town council shared prominently in these functions among the Narragansett plantations, while in the other colonies little mention is made of them in this connection. Though it is certain that a colonial militia system existed from and after 1647, yet the first clear evidence afforded by the records that

<sup>51</sup> *Ibid.* II. 43.

<sup>52</sup> *Ibid.* 256; Laws, Ed. of 1889, 176.

<sup>53</sup> Laws, Ed. of 1887, 109; Recs. V. 212.

<sup>54</sup> Laws, Ed. of 1889, 177; Recs. II. 223; IV<sup>2</sup>. 97.

<sup>55</sup> Recs. IV<sup>2</sup>. 97.

<sup>56</sup> Plymouth Recs. XI. 36, 104, 180.

<sup>57</sup> *Ibid.* II. 61.

<sup>58</sup> Conn. Recs. I. 97, 266, 542; New Haven Recs. II. 603.

<sup>59</sup> *Ibid.* II. 392.

<sup>60</sup> R. I. Recs. I. 153, 218, 381, II. 52.



officers of the town companies were commissioned by authority from the general assembly appears in 1667.<sup>61</sup> One captain at that time refused for a time to accept his commission because the word "chosen" did not appear in it.

Through the constable's watches in the towns the provisions for local defence shaded off into ordinary police functions, to the performance of which all adult males, with certain special exceptions, were liable. But in Massachusetts, at least in times of peril, military watches were set. These were first provided for in 1640, and were placed first under the charge of the militia officers of the respective towns, but later under the local committees of militia.<sup>62</sup> These continued from half an hour after sunset to a half hour after sunrise. It was their duty to arrest all suspicious persons, and in case they were resisted, to discharge their muskets and raise an alarm.

In all the New England colonies provision was made for giving a general, as well as local, alarm.<sup>63</sup> The former was given by discharging a musket three times, and, in the night, beating a drum continuously, firing a beacon, or discharging a piece of ordnance. It was taken up and spread as rapidly as possible from town to town. The local alarm was given by firing a musket once. On the approach of vessels suspected to be hostile a special alarm was given from the castle in Boston harbor. When a general alarm was given, every trained soldier must repair to his colors, on penalty for failure of a fine of £5. It is said that on the night of September 23, 1675, during Philip's war, as the result of giving a false alarm at Mendon, a town 30 miles southwest of Boston, and its spread from town to town, within an hour 1,200 militiamen were brought under arms.<sup>64</sup> But, though the alarm was resorted to in emergencies, it played no regular part in the preparation for expeditions.

The years 1634 and 1636, while Massachusetts still possessed only an infantry force, witnessed the organization of trained bands into regiments. In December

1636, an act was passed which definitely accomplished this result.<sup>65</sup> One of these included the companies of Boston, Roxbury, Dorchester, Weymouth and Hingham, with John Winthrop as colonel and Thomas Dudley as lieutenant colonel. The second regiment included the companies of Charlestown, Newtown, Watertown, Concord, and Dedham, and of this John Haynes was colonel and Roger Harlakenden lieutenant colonel. The third regiment consisted of the companies of Saugus, Salem, Ipswich, and Newbury, with John Endicott as colonel and John Winthrop, Jr. as lieutenant colonel. The Governor for the time being was general. For each regiment a muster-master was appointed. It was also provided that for the future colonels and lieutenant colonels should be chosen by the members of their regiments and presented to the general court for confirmation. When the counties of Massachusetts were formed, these earliest organizations became known respectively as the regiments of Suffolk, Middlesex, and Essex Counties. As settlement extended and other counties were formed, new regiments were added.

At the opening of Philip's war the regiments of Suffolk and Middlesex<sup>66</sup> each contained 1 company of horse and 15 companies of foot. The Essex regiment consisted of 1 mounted company and 13 companies of foot. The regiments of other counties were smaller. In Massachusetts there were 73 organized companies, and an independent cavalry company, called the "three county troop," made up in Suffolk, Middlesex, and Essex. In 1680, because of the increase in their numbers, the organizations of these three counties were in each case divided into two regiments.<sup>67</sup> Expeditions were regularly organized by drafting or impressing quotas from the companies and regiments. Occasionally, as in Philip's war, volunteer companies were also formed. A famous body of this kind, consisting of strangers, adventurers, apprentices, men who were released from prison that they might win freedom by fighting the Indians, served at that time under Capt. Samuel Mosely.<sup>68</sup>

By an act of September 1643,<sup>69</sup> a council, of which the Governor should always be one, was given authority in cases of danger to call out the entire force of the colony and distribute it at its pleasure, yet the command of the forces in action should be intrusted to a

<sup>61</sup> *Ibid.* II. 190, 211, 215.

<sup>62</sup> Mass. Col. Recs. I. 293; II. 120, 121. For military watches in Plymouth, see Recs. III. 24; IV. 144; V. 186; XI. 43. In Connecticut, see Recs. II. 361. In New Haven, Recs. II. 603. Very little, if any, reference to the institution appears in the early Recs. of R. I., but there is no doubt that it existed.

<sup>63</sup> References to giving the alarm in Plymouth appear in Recs. XI. 26, 106. In Connecticut, in Recs. I. 94; II. 45. In New Haven, Recs. I. 78. In Rhode Island, Recs. I. 154.

<sup>64</sup> Mass. Recs. II. 24, 28, 64; Drake, *Old Indian Chronicle*, 158.

<sup>65</sup> Mass. Col. Recs. I. 186.

<sup>66</sup> Bodge, *op cit.* 45.

<sup>67</sup> Mass. Col. Recs. V. 294.

<sup>68</sup> Bodge, 59 et seq.

<sup>69</sup> Mass. Recs. II. 42.

sergeant major general. Instead, also, of colonels and lieutenant colonels each regiment should be commanded by a sergeant major. He was the chief military officer<sup>70</sup> of the shire, and was required to hold annually a regimental training. Twice<sup>71</sup> a year he conferred with the chief officers of the trained bands in his regiment respecting points of discipline and training in which the companies were concerned. At these meetings, with the consent of the officers mentioned, he was empowered to impose fines for defective arms, ammunition, appearance, watches, and other offences. The regulation of the militia of the smaller towns and the duty of uniting them into companies of at least 64 men each, devolved on the sergeant majors.<sup>72</sup> During most of the colonial<sup>73</sup> period it was their duty to raise the force of their shires, and, in case of alarm, to send any part of it to the assistance of the place imperilled, and to give constant and speedy intelligence respecting the situation to the Governor, council, and major general. During Philip's war majors occasionally raised, equipped, and conducted expeditions.<sup>74</sup> In deciding upon military operations the commanders always took the advice of councils of war. The office of shire lieutenant was also created in 1643. Though it continued in existence for only a short time, we may suppose that it was suggested by the lord-lieutenancy of the English shire. The duty of its incumbent was to levy the force of the shire in sudden emergencies and to retain control of it till orders came from the Governor and council, or the sergeant major took command. Provision was also made that the higher officers, as well as the lower, should meet together from time to time to discuss military affairs, and take such action to promote efficiency as might be needed.

The office of sergeant major general was successively held by such men as Dudley, Endicott, Atherton, Leverett, and Denison. Its powers and duties, as shown by the commissions,<sup>75</sup> were those of a commander in active service or in preparation for such. But he was hampered to an indefinite extent by the necessity of consulting a council of war composed of his subordinate officers, and of receiving directions

from the civilians who formed the council of the colony and even from the general court itself. It should be remembered that, though his commission was for a short period of time, the incumbent was usually reappointed as long as he was able or willing to serve. The men who were appointed to the position also came as near being trained soldiers as any among the colonists. The duties of the sergeant major general were to see that inferior officers did their duty, in time of special danger to appoint military watches, raise troops by levy from regiments, and use them till directions came from the council or general court, to command in the expeditions which might follow, with authority to impress all supplies and aids to transportation which he might need. In the council of war which he must consult he had the casting vote, and in the actual conduct of battles he was to be left unhindered. Until the general court should prescribe rules, he, with the cooperation of his council of war, was empowered to prepare orders for the maintenance of discipline, and to execute them even to the extent of inflicting the death penalty. Many special duties<sup>76</sup> were also imposed on the sergeant major general, both in time of peace and of war, while it was customary for him to be sergeant major of one of the regiments.

In the Massachusetts system the germ of the modern staff appears chiefly in the office originally designated as that of surveyor of ordnance, or later as general surveyor of arms. Early in 1631 Jost Willust was chosen by the general court to be surveyor of ordnance, and was allowed £10 per year.<sup>77</sup> But in 1632 he returned to Europe, and the office does not reappear under its former designation. In 1634<sup>78</sup> a reference appears to the overseer of the arms, but from the records one would infer that, until 1642, the business of the office was mainly transacted through committees.<sup>79</sup> In 1642, owing to fear of an Indian attack and the desire that the colony might be well supplied with powder, John Johnson was appointed surveyor general of the arms.<sup>80</sup> From that time until the downfall of the colony government the references to the office indicate its importance. Capt. Edward Johnson<sup>81</sup> of Woburn was one of its incumbents, while in 1660 it

<sup>70</sup> Ibid. 118.

<sup>71</sup> In 1653 this part of the law was repealed, and majors were allowed to call such meetings at their discretion. Recs. IV<sup>1</sup>, 155.

<sup>72</sup> Recs. IV<sup>1</sup>, 86.

<sup>73</sup> For a short period this was the duty of the lieutenant of the shire.

<sup>74</sup> Recs. V. 57, 72, 122.

<sup>75</sup> Ibid. II. 76.

<sup>76</sup> Recs. II. 42, 118; IV<sup>1</sup>. 149; IV<sup>2</sup>. 296, 297, V. 58, 124.

<sup>77</sup> Ibid. I. 83, 97.

<sup>78</sup> Ibid. 125.

<sup>79</sup> Ibid. 120, 125, etc.

<sup>80</sup> Ibid. II. 26.

<sup>81</sup> Ibid. IV<sup>1</sup>. 391.



was a time put into commission.<sup>82</sup> The surveyor general of arms was a custodian of the colony's supply<sup>83</sup> of ordnance, arms, and ammunition. Under authority from the general court he delivered powder to the towns, and received back from them any excessive supplies which might have been issued. He could also sell ammunition. He was empowered to recover arms belonging to the colony from individuals or towns that had them in their possession, to either preserve them pending an order of the general court, or to sell them at a fair price and procure others in their place. Purchases of ammunition were usually made through the surveyor general, though in cooperation with the treasurer.<sup>84</sup> Orders of the general court that he should loan munitions to individuals are common. When, in 1643, arms and stores were brought from Castle Island, an invoice of the whole was given to the surveyor general, and the arms were delivered into his custody.<sup>85</sup> Though orders for the delivery of ordnance to towns for use in forts, and the return of the same, were issued through the surveyor general, it was not the policy of the general court to permit him to sell this without special authority.<sup>86</sup> The towns were ordered<sup>87</sup> by the legislature to make returns to the surveyor general of the amount of powder they had in stock. In May 1656, it was ordered that the surveyor general should annually lay before the council an account of the common stock of powder, that the general court might be guided by this information in supplying the colony's need.<sup>88</sup> Committees were frequently appointed to examine the accounts of the office.<sup>89</sup>

In a fully developed military system a commissary general would have occupied a position relative to supplies of food and necessities for camp life and transportation analogous to that borne by the surveyor general to munitions of war. But Massachusetts had no permanently organized commissariat, and this characteristic she shared with all the other

colonies.<sup>90</sup> Their troops, being militia, were disbanded as soon as an expedition or brief campaign was ended. Only a few men were kept under arms for garrison purposes. Hence the need of provisions disappeared almost as quickly as it arose. They had no uniforms. Of tents they made little, if any, use, and their companies were followed by small baggage trains, or none at all. With their arms, blankets, and small supplies of food, cooked or uncooked, they forced their way through the forests as best they could. When an expedition or campaign became necessary, the general court appointed one or more commissaries for the time being, though the word "commissary" does not appear in the records till 1645. Richard Collicott was appointed to collect provisions for the expedition against the Pequots.<sup>91</sup> In 1645 Edward Tyng and Frank Norton were appointed commissaries for the force of 200 men who were sent to the aid of Uncas,<sup>92</sup> and a schedule of the provisions needed for the expedition has been preserved. It included bread, salted beef, fish, pease, oatmeal, flour, butter, oil, vinegar, sugar, rum, and beer. Jacob Greene of Charlestown was appointed commissary of the force which was raised to march against the Dutch in 1664.<sup>93</sup> Commissaries were more or less active during Philip's war, though there is evidence that supplies did not always pass through their hands.<sup>94</sup> Chaplains and surgeons were appointed to accompany the expeditions.

In none of the New England colonies except Massachusetts, in the period now under consideration, were the forces distinctly regimented. Plymouth, in 1658,<sup>95</sup> permitted the companies of any two or four of its towns to train together if they chose. The highest military officer in that colony was a major, and a copy of his instructions and the names of the council with whom he should act in 1658 has been preserved.<sup>96</sup> Similar statements apply of course to New Haven, and to Rhode Island as well. Counties were organized in Connecticut in 1666; but not until the peace of the colony seemed to be imperilled through the reoccupation of New York by the Dutch, does the

<sup>82</sup> *Ibid.* 422.

<sup>83</sup> *Ibid.* II. 26, 31, 51, 73, 82, 84, 140.

<sup>84</sup> *Mass. Recs.* 124, 239, 282; IV<sup>1</sup>. 147, 423; V. 218.

<sup>85</sup> *Ibid.* II. 36.

<sup>86</sup> *Ibid.* IV<sup>1</sup>. 5.

<sup>87</sup> *Ibid.* II. 282; IV<sup>1</sup>. 440.

<sup>88</sup> *Ibid.* IV<sup>1</sup>. 258.

<sup>89</sup> The office of surveyor general will be found to have been a prominent one in the proprietary and royal provinces, but his duties there related to land and not at all, as in Massachusetts, to military supplies.

<sup>90</sup> The term commissary general appears in the Plymouth Records under the date 1649, but it was used loosely as one of the designations of Miles Standish in his capacity of commander of the colony levy. *Plymouth Recs.* II. 146.

<sup>91</sup> *Mass. Recs.* I. 195.

<sup>92</sup> *Ibid.* II. 124.

<sup>93</sup> *Ibid.* IV<sup>2</sup>. 123.

<sup>94</sup> *Ibid.* V. 44, 74, 90, 92.

<sup>95</sup> *Recs.* III. 138.

<sup>96</sup> *Ibid.* 152.



organization of the militia by counties come clearly into view. A major was then appointed for each county, and his command in each case was a regiment in all except name. This continued to be the situation throughout Philip's war.<sup>97</sup> Prior to the French wars the title of general does not appear in any of the New England colonies except Massachusetts. The same is true of the office of surveyor general of arms. All the colonies had commissaries in some form or other. Though Connecticut had during Philip's war an official with that title, the treasurer, being a resident of Hartford County, was often ordered to procure and deliver food as well as ammunition.<sup>98</sup> He thus performed the functions both of a surveyor general and of a commissary.

The description of the system of defense in colonial New England would be left incomplete if some reference were not made to forts and garrison houses. The forts of the early time were located chiefly at the port towns,—Boston, Salem, Portsmouth, Plymouth, Newport, New London, Saybrook, New Haven. The fact that, especially in Massachusetts, the general court sometimes ordered that great guns should be delivered or lent to certain towns, would indicate that the towns in question had small redoubts. Dorchester and Charlestown had each a fort from early times, but they formed a part of the system of defense of Boston harbor. The towns of the interior, unless with here and there an exception, possessed no defenses except stockades and garrison houses. When Massachusetts, in 1667, under fear of Dutch attack, and Connecticut, in 1675, at the opening of Philip's war, ordered every town to provide itself with defenses where women and children and others who sought protection might take refuge, blockhouses, or garrison houses were meant.<sup>99</sup> The limited supply of artillery which the colonists possessed, they kept almost wholly in the coast towns.

Salem had Darby Fort, so called, located at Naugus Head, where Marblehead was later built,<sup>1</sup> and a fort on Winter island. The former was built not far from 1630, while the latter, begun as early as 1643, was in the usual process of construction, decay, and repair during the remainder of the century. When, in 1673, the arrival of a hostile Dutch fleet was feared, the "great artillery," we are told, was got ready for use, and all else was done as the juncture required.

<sup>97</sup> Conn. Recs. II. 34, 206–207.

<sup>98</sup> For a typical order, see Recs. II. 453, 506; also 384, 464.

<sup>99</sup> Mass. Recs. IV<sup>2</sup>. 332; Conn. Rec. II. 268.

<sup>1</sup> Colls. of Essex Institute, XXXIII.; Salem Neck and Winter Island. Felt, *Annals of Salem*, I, 192.

The defenses of Boston were the most important of any in New England, and consisted of the North Battery, situated at Merry's Point, at the north end of the great cove of the town; the Sconce, or South Battery, which was at the south end of the same cove and was an outwork of the earliest of Boston's defenses, that on Fort Hill. Fort Hill was one of the three eminences of the peninsula on which Boston was built. During the years between 1632 and 1636, by the labor of the people of the towns near the bay and the contributions of the remote towns to the north, the fort on this hill was built.<sup>2</sup> It was the earliest fortification in Boston, and the famous Lyon Gardiner, who built the fort at Saybrook was the engineer in charge during a part of the time of its construction.

In 1634 a plan was formed to build a "moving fort," or floating battery, 40 feet long and 20 feet wide.<sup>3</sup> It was to be built by the contributions of the promoters—who had recently arrived from England—and of others, who, it was thought by the court, had not borne their share in the expense of founding the colony. A considerable subscription was taken, but the structure was never built.

In 1672, when an attack from the Dutch was expected a "barricade," or wall, probably of stone and earth faced with wood, was built. It faced the water, and extended from one side of the great cove or basin in front of Boston to the other, being 2,200 feet in length, 15 feet in height, and 20 feet in breadth at the top. At intervals there were openings for the entrance of vessels. The undertaking, being too expensive for the town to bear, was prosecuted at the expense of private citizens, they receiving from the town certain valuable grants of land in return.<sup>4</sup>

But the chief feature in the Boston system of defenses was the fort on Castle Island, which commanded the channel by which vessels approached the town. The records throughout the entire colonial period abound with references to this fortification; and its history, if worked out in detail, would illustrate the progress of military engineering in the colonies for a century and a half. The defensive works on that island were begun during the years 1634 to 1636, when the colonists were

<sup>2</sup> Mass. Recs. I. 110, 125; Boston Record Commissioners, Second Report, 8; Ibid. Eleventh Report. 67.

<sup>3</sup> Mass. Recs. I. 113.

<sup>4</sup> Boston Record Commissioners, Fifth Report, 11; Shurtleff, *Topographical and Historical Description of Boston*, 115–119. The modern Atlantic Avenue was built on the line of the "barricade," and Fort Hill was demolished to furnish earth for the purpose.

apprehensive of forcible interference by the home government. A committee of military men was appointed by the general court to locate and lay out the works.<sup>5</sup> At first it was ordered that a platform should be built on the north-east side of the island and a blockhouse on the top of the adjacent hill. An earthwork was actually constructed, men and carts being impressed for the purpose. This, however, soon decayed, and the remoter towns of the colony were unwilling to bear the expense of repairing and maintaining it. Accordingly the general court, in March 1638, appointed a committee to bring the ammunition from Castle Island and dispose of it. But at the instance of private parties it was resolved to complete and maintain the works by private subscription, the general court giving aid. The court voted £100 per annum for maintaining the fort, and a year later granted £250 in addition. But this impulse soon died out, and in May 1643, it again ordered that all arms, ammunition, and ordnance be brought from Castle Island.<sup>6</sup>

But the arrival, a month later, of *La Tour* with a ship of 140 tons clearly revealed the defenseless condition of the town<sup>7</sup> for in consequence of the recent order of the court no one remained on the island to challenge his right to enter. The result was that Boston and four other adjacent towns offered to repair and support the castle at their own expense. This<sup>8</sup> proposal was accepted, the court offering to contribute £100 when the work was finished, and to appropriate £100 annually for its maintenance. The castle was then rebuilt. The garrison now consisted for a time of a captain, a gunner, 20 men from the first of March till the first of October, and 10 men during the rest of the year. But this number was not maintained, the court stating in 1648 that "the Castle hath seldom or never been supplied with the full number, . . . and many times with unmeet and unserviceable men." Therefore the garrison was reduced to 10 men from April to October, and 6 men during the other months.<sup>9</sup> The towns failed to bear their part of the burden, and the court during the succeeding years repeatedly complains of the neglected state of the castle; the pay of the garrison was in

arrears, and the batteries seem never to have been kept in repair. It required danger from a foreign enemy—the expected arrival of *De Ruyter*, in 1665—to bring about the repair of the works and the establishment there of a garrison of 64 men. The castle, which was still of wood and earth, was burned in 1673. Then, by the combined efforts of the adjacent towns and the general court, it was rebuilt of brick and with larger dimensions than before.<sup>10</sup> In this condition it was when Philip's war began, and Edward Randolph reported that it was in relatively good repair, mounting 38 guns, but was without a permanent garrison.

It has seemed wise to dwell thus at length on the castle in Boston Harbor, because such extended references to it have been preserved, and also for the reason that its history is typical of all other forts in the colonies. They were built or repaired only to fall quickly into decay. The ordnance with which they were furnished was small and ineffective. The expense of repairs and the garrison exceeded the feeble resources of the colonial exchequers and could with great difficulty be met. Hence coast defense, though the weak garrisons were intended to be reinforced in time of danger by the local militia, was perhaps the least satisfactory feature of the entire system. Fortunately the ocean, during the seventeenth century and much of the eighteenth, proved of itself a sufficient protection, and the colonist was left free to contend as he could with the enemies who came upon him from the forest. Against them the garrison house and the stockade were his only defense.

Dwelling houses, when built with thick walls perforated with loopholes, and, when the house had two stories, the upper, if possible, projecting over the lower story, were used as garrisons. Flankers at the corners were considered very useful as outlooks. Sometimes houses were specially built for the purpose; often common dwelling houses were used in this way in an emergency. When in danger of attack, as many as possible of the inhabitants of a settlement took refuge in the garrisons, and there with firearms and by means of sorties defended themselves as best they could. The number of garrison houses rapidly increased during Philip's war, and their number was fully maintained during the French and Indian wars which were to follow. A

<sup>5</sup> Mass. Recs. I. 123, 124, 136, 139, 158, 166; *Memoirs of Roger Clap*, in *Young's Chronicles of Massachusetts*, 357 et seq.; Winthrop, I. 163; Johnson, *Wonder-working Providence*.

<sup>6</sup> Mass. Recs. I. 220, 228, 231; II. 36.

<sup>7</sup> Winthrop, II. 129.

<sup>8</sup> Mass. Recs. II. 56.

<sup>9</sup> *Ibid.* 63, 107, 255.

<sup>10</sup> Mass. Recs. III. 50, 110, 137; IV<sup>1</sup>. 89, 110, 149, 154, 183, 202, 204, 206, 260; IV<sup>2</sup>. 35, 42, 276, 281, 285, 551, 566, 576; V. 15, 29, 33; Hutchinson, *Papers*, II. 221.



report of a committee <sup>11</sup> which had been appointed by the council of Massachusetts early in 1676 shows that the following garrison houses were then standing in Essex County: there were 12 in Andover, 3 remote fortified houses at Newbury. At Rowley there were sufficient garrisons to shelter all the inhabitants. At Beverly there were three garrisons, at Cape Ann there were two; but at Marblehead there were none, and the inhabitants considered them unnecessary. At Lynn there were several garrisons, and the residents had been assigned to them. This report may probably be taken as fairly indicative of the distribution of garrison houses in the other exposed towns of the New England colonies.

But exclusive reliance on garrison houses involved the abandonment, in case of attack, of all the other buildings in the village, with domestic animals and crops, to destruction. For this reason the imitation of the Indian stockade recommended itself to many as a superior form of defense. Newbury, we are told, had a general defensive work. So had Ipswich and Salem, while garrison houses had been erected to protect those who lived on the outlying farms. When, early in 1676, Major Savage was commander in the Connecticut Valley, the council advised the inhabitants be concentrated in two defensible towns, as Hadley and Springfield, and that all the rest be abandoned. But the inhabitants of the towns which were likely to be left to pillage would not listen to the proposal, and it never passed beyond the stage of discussion. Hadley, Northampton, and Hatfield had built stockades, and found them a sufficient protection.

The building of a stockade about 12 miles in length from the head of navigation on the Charles River to the Merrimac River was proposed, but was voted down by the towns concerned as too expensive. The opinion generally expressed in town meetings was that the accustomed system of watching and scouting was the only feasible one. The conservatism of the farmers was shown in their adherence to the comparatively inexpensive methods of defense to which they had been accustomed and which they had found sufficient in peaceful times.

The varied activities which have now been outlined were regulated by acts and orders of the general court, and controlled by the Governor and assistants or by special councils and committees which were appointed by the general court. Committees were frequently

created by the court, consisting, it might be, wholly of civilians, or wholly of military officers, or sometimes of a combination of the two, whose duty it was to share in the task of military administration. Among the duties intrusted to such committees were the inspection of ordnance, arms, and military supplies; hearing complaints of soldiers; overseeing the location, building, repairing, equipment, and garrisoning of fortifications, appointing their quotas of troops among towns, drawing up commissions for military officers, putting the country in a posture of defense, equipping and sending out expeditions, treating with commissioners from other colonies respecting joint military operations.

But regularly in the New England colonies the control of military administration was vested either in the Governor and assistants, or in a council of war which consisted of the magistrates with the addition of certain military officers. In 1635 Massachusetts created a special council of war,<sup>12</sup> consisting of 11 members, 2 of whom were the Governor and Deputy Governor and nearly all the rest were assistants. Large powers were given to this body. It could execute all military laws, appoint and remove military officers, command and discipline the entire militia, even make offensive or defensive war. But this council owed its existence to a panic, and powers dangerous in extent were bestowed upon it. It therefore was short-lived. The following year its powers were transferred<sup>13</sup> to the standing council, which was given authority to commission military officers. The origin and the ineffective career of this body have already been described. Its establishment did not for any long time, or to any great degree, remove the control of military administration from the hands of the Governor and assistants. Though only fragmentary records have been preserved, yet enough exist to furnish evidence of their prominent concern with all phases of the work.

In 1645 the general court declared <sup>14</sup> that, when it was not in session, the assistants or council of the commonwealth *had authority to impress* and send forth soldiers, to "presse all manner of victualls, vessells, carriages & all other necessities & to send warrants to the Treasurer to pay for them." In March 1653, the council ordered arms, flints, and other supplies to be sold to the colonists, forbade the export of provisions, and ordered the constables to collect supplies of food. These things were done because of danger that

<sup>11</sup> Mass. Archives, Vol. 68. The report was dated March 29, 1676.

<sup>12</sup> Mass. Recs. I. 138.

<sup>13</sup> Ibid. 183.

<sup>14</sup> Ibid. II. 125.



the colonies might become involved in war with the Dutch.

In April 1653, this body fully discussed the question, whether or not the colonies should go to war with the Dutch and Indians. In May the troops were ordered to be in readiness, and in October 1654, all the necessary orders were issued by the council for the levy of troops. In July 1669, because the wheat crop had been ruined, it ordered the training of the Essex regiment to be omitted for that year. When, in August 1673, news came that the Dutch had reoccupied New York, the council issued 10 or more orders for placing Massachusetts in a condition to meet the expected crisis.<sup>15</sup> Throughout Philip's war the activity of the council was incessant; commissioning officers, corresponding with the neighboring colonies and with officers and agents of all sorts who were in active service, receiving and answering petitions, preparing for expeditions, sending them out, watching or directing their movements, ordering their recall and the dismissal of troops. The administrative history of the war as a whole can be studied only by beginning with the activities of the councils of the various colonies involved.

In October 1643, a council of war was created in Plymouth colony, consisting of the Governor and four other members, all of whom, except Standish, were assistants.<sup>16</sup> This was a part of the preparation then made for a joint expedition against the Narragansett Indians. It was not dissolved at the end of that effort, but was continued as a part of the colony government as long as Plymouth enjoyed separate existence.<sup>17</sup> It was given authority to commission officers from the major down, to *issue warrants for impressing* men and provisions, to hear and punish all offenses committed during service, to instruct officers. Among its duties for the expedition then immediately in hand were the appointment of a treasurer to keep the account of receipts and payments, to value and keep a record of all arms used, and to keep a list of the soldiers.

As Philip's war approached, its work again became more important. In June 1671, eight men were associated with the magistrates to constitute the council of war, the new members being put under a special oath. Throughout the war the activities of

this body were similar to those of the Massachusetts council.<sup>18</sup>

In Connecticut a distinct council of war was first created in November 1673.<sup>19</sup> The occasion of its appointment was the recovery of New York by the Dutch. The body, as then organized, consisted of the Governor, Deputy Governor, assistants, and in addition to them five prominent military officers of the colony. It could be called together by the Governor, Deputy Governor, or secretary, and could then commission officers, issue laws of war, *impress men* and all necessary supplies, and do all else for the expedition that was being planned which otherwise the general court might do. This was a temporary act and expired in a few months. But in July 1675, in anticipation of the struggle with Philip, the council of war<sup>20</sup> was revived. Its composition was practically the same as before, and its powers and discretion were made as large as was possible under the charter. It was to continue in session during intermissions of the general court. Under orders from the general court and subject to its approval, this body administered the affairs of Connecticut which related to Philip's war. As late as October 1677, an order appears continuing its existence, but some time later it was allowed to disappear, and was not revived till the beginning of the wars with the French in 1690.<sup>21</sup> In New Haven no similar body appears. In Rhode Island we hear only of special councils of war in the towns, and that in 1676. The same year special commissioners were appointed to order the watches on the island.<sup>22</sup>

The efficiency of the militia system depended to a considerable extent on the method of filling military offices and the permanence of their tenure. In the corporate colonies military offices, like all others, were filled by election or through appointment by the general court. In Massachusetts, during its earliest<sup>23</sup> years, officers were appointed by the general court. But when, in 1636, the militia was organized into regiments, a change was made. It was then provided<sup>24</sup>

<sup>18</sup> See references in Plymouth Recs. V.

<sup>19</sup> Conn. Recs. II. 219.

<sup>20</sup> Ibid. 261, 270, 271, 275, 327. See Journal of this body from July 14, 1675, to October 9, 1677, *ibid.* 335-509.

<sup>21</sup> Ibid. IV. 18.

<sup>22</sup> R. I. Recs. II. 532, 539.

<sup>23</sup> Mass. Recs. I. 90, 120.

<sup>24</sup> Ibid. I. 187; II. 191; Laws, Ed. of 1889, p. 176; Laws, Ed. of 1887, p. 107. For an example of a contested election in a militia company, see the Hingham case, Winthrop, II. 271.

<sup>15</sup> The above facts are derived from fragments of the council records in Mass. Arch. Vol. 67; Military Affairs, I.

<sup>16</sup> Plym. Recs. II. 64; XI. 102, 178.

<sup>17</sup> Ibid. IV. 142 et seq.; V. 64, 76; VI. 109, 237-239.

that each regiment should choose fit persons to be its colonel and lieutenant colonel, and through their deputies present their names before the general court for approval. In the companies nominations should be made in the same way for the offices of captains and lieutenants, and their names should be presented before the standing council for approval. In 1647 a law was passed requiring nominations for company officers to be submitted to the county courts for approval. It would appear, however, that in practice the general court passed on nominations for company, as well as regimental, officers.<sup>25</sup> By a law of 1637, it was provided that residents who had taken the oath, as well as freemen, should vote for company officers, but only freemen should be chosen.<sup>26</sup> According to the law of 1643 sergeant majors were elected by the freemen of their respective shires, but, in 1645, nonfreemen who had taken the oath were also permitted<sup>27</sup> to vote for them. The sergeant major general was annually chosen, together with the magistrates and other leading officials, in the court of election.

In 1668 the method of electing lower officers was abandoned.<sup>28</sup> By an act of that year all commissioned officers, except the sergeant major general, became appointive by the general court. The council, or board of assistants, was given the power to appoint in cases of emergency. Noncommissioned officers were appointed by the commissioned officers of their companies, or in cases where there were none, by the major of the regiment. In 1675, however, the law was again changed,<sup>29</sup> giving the town committees of militia the right to present to the general court two

or three names of persons proper to fill vacancies among local military officers.

Since no record appears of successive nominations and confirmations, it is probable that, prior to 1668, military officers were chosen for an indefinite term. After that time it is clear that their appointments were permanent. The incumbent of the office of major general, when satisfactory, was reelected year after year. This was notably true in the cases of John Leverett and Daniel Denison. In the case of military officials, as well as others, the elective system, thus modified, insured a considerable permanence of tenure.

The other New England colonies chose their militia officers in much the same way as did Massachusetts. An order<sup>30</sup> of the Plymouth general court of September 1642, provided that the towns should have power to nominate to the court for its approval two or three persons as candidates for military offices above the rank of sergeants. These officers, when duly approved, might appoint under officers, with the consent of their companies. When vacancies occurred, the same procedure should be repeated. In 1683 it was enacted that, in cases where towns and militia companies neglected to choose officers, the council of war should appoint them.<sup>31</sup> In 1690, when the expedition against Quebec was fitting out, we find the council of war approving the action of towns in electing officers, and interposing to settle a dispute over such a matter in Taunton. This proves that in that colony the general court and commissioned officers never assumed the power of appointment, as was the case in Massachusetts. Everything indicates that in Plymouth, as in the Bay colony, militia officers were elected for indefinite terms.

---

<sup>25</sup> Ibid. Mass. Recs. I. 190; II. 133; IV<sup>1</sup>. 58, 88, 173; IV<sup>2</sup>. 62.

<sup>26</sup> Ibid. I. 188.

<sup>27</sup> Ibid. II. 49, 117.

<sup>28</sup> Ibid. IV<sup>2</sup>. 368.

<sup>29</sup> Recs. V. 30.

<sup>30</sup> Plymouth Recs. XI. 39, 50.

<sup>31</sup> Ibid. VI. 109.

## APPENDIX II

# List of United States Wars

[To supplement the wars of the Colonial *War-Peace Chronologies* there is reprinted herewith the United States list announced by Secretary of War Weeks in Army-Navy Register, 23 December 1922, and extended to date]

1775	The Revolution	1855	Sioux Indians
1782	Wyoming Valley Insurrection	1855	Yakima Expedition
1786	Shay's Rebellion	1855	Cheyenne Indian
1790	Northwest Indian War	1855	Florida War (Seminoles)
1791	Whiskey Insurrection	1856	Kansas Border troubles
1798	War With France	1857	Gila Expedition
1799	Fries Rebellion	1857	Sioux Indians
1801	Tripolitan War	1857	Mountain Meadow Massacre
1806	Burr Conspiracy	1857	Utah Expedition
1806	Sabine Expedition	1858	Northern Indian Expedition
1807	Chesapeake Bay Affair	1858	Puget Sound Expedition
1808	Lake Champlain Affair	1858	Spokane Indian troubles
1811	Northwest Indian War	1858	Navajo Expedition
1812	Great Britain	1858	Wichita Expedition
1812	Seminole War	1859	Colorado River Expedition
1813	Peoria Indians	1859	Pecos Expedition
1813	Creek Indians	1859	Antelope Hills Expedition
1817	Second Seminole	1859	Bear River Expedition
1819	Yellowstone Expedition	1859	San Juan Imbrolio
1823	Blackfeet Indians	1859	John Brown Raid
1827	Lefevre Indian War	1859	Cortina troubles
1831	Sac and Fox Indians	1860	Pah Ute Expedition
1832	Black Hawk War	1860	Kiowa and Comanche Indians
1832	South Carolina Nullification	1860	Carson Valley Expedition
1833	Cherokee War	1860	Navajo Expedition
1834	Pawnee Indians	1861	Apache Indians
1835	Third Seminole	1861	Civil War
1836	Second Creek Indians	1862	Indian Massacres (Minnesota)
1837	Osage Indians	1862	Sioux Indians
1838	Heatherly Indian War	1863	Cheyenne War
1838	Mormons	1865	Northwestern Indian War
1838	New York-Canada Frontier	1865	Fenian Raid
1846	Doniphan's Mexican Expedition	1867	Mexican Border Indian War
1846	Mexican War	1868	Canadian River Expedition
1846	New Mexican Expedition	1871	Yellowstone Expedition
1848	Cayuse War	1871	Fenian troubles
1849	Navajo	1872	Yellowstone Expedition
1849	Comanche Indians	1872	Modoc Campaign
1850	Pitt River Expedition (Calif.)	1873	Yellowstone Expedition
1851	Yuma Expedition	1874	Indian Territory War
1851	Utah Indian	1874	Sioux War
1851	Oregon and Washington Indians	1874	Black Hills War
1855	Snake Indians	1875	Nevada Expedition



1876 Sioux War  
1876 Powder River Expedition  
1876 Big Horn Expedition  
1876 Sioux War  
1877 Nez Perces Campaign  
1878 Ute Campaign  
1878 Snake Indian  
1890 Sioux  
1891 Mexican Border (Tin Horn War)  
1895 Bannock Indian trouble  
1898 Spanish-American War

1898 Chippewa Indians  
1899 Philippine Insurrection  
1900 Boxer Insurrection  
1912 Nicaraguan Expedition  
1913 Haitian and San Domingo  
1914 Vera Cruz  
1916 Punitive Expedition in Mexico  
1917 Germany—World War I  
1919 Punitive Expedition into Mexico  
1941 World War II

## APPENDIX III

# Hearsay—Pro and Con

### EXPLANATION

From congressional floor debates and committee hearings and from books, pamphlets and special literature, except the periodical, there are here listed, chronologically, all statements encountered concerning the American tradition in respect to compulsion. When the statement appears in accord with the revelations of the enactments, a plus (+) sign is indicated; when in discord a minus sign (—); when it seems that the authority should have adverted to the matter but did not, then a Cap O sign (O); and, finally, when it is right in part but wrong or inadequate in part, then a plus-minus sign ( $\pm$ ).

Of 150 statements counting but one for each person testifying, however often or wherever he may have reiterated it, 57 are found correct, 4 partially correct, 13 who should have stated but did not, and 76 incorrect.

But this last figure includes representation of a number of groups whose membership is either numerous as given, e. g. 299 of Committee on Militarism in Education, New York, July 1940, or indicates great inclusiveness, e. g. American Council on Education, with 110 associations, 719 universities, etc. With such groups, professedly highly literate in historic subject matter as well as highly vocal in opposition to universal military training, one must assume considerate not perfunctory adhesion.

These statistics in themselves demonstrate, then, how widely held is the conclusion that is herein considered erroneous.

See "Genesis of the Misconception," *Introduction, infra*. p. 9.

### STATEMENTS

#### *Under the Constitution*

In his book *Washington, Lincoln, Wilson—Three War Statesmen*, New York, Doubleday (+) Doran, 1930, Gen. John McAuley Palmer has revealed the political background that prevented

the introduction of an adequate compulsory system of a citizen soldiery ("well regulated militia") and that developed, instead, the notorious inept Militia law of 1792. Attendant causes were probably the trend towards indulgent volunteering under greater prosperity and less danger, as well as the already existing commitment by the Constitutional Convention in that document in preserving the State forces. General Palmer's books *America In Arms*, 1941, and *General von Steuben*, 1937, are profitable companion pieces.

#### *1792*

During the consideration of the militia bill in Congress in February 1792 and thereafter—so far as the obscure and indefinite third person reporting methods of the day reveal—there was no reference made to the legislation which had been passed of a voluntary or compulsory nature in the colonies. The men who participated in this Congress from every Colony were old enough to remember not only recent volunteer statutes but earlier compulsory ones. Moreover, the formation under a constitution was too recent—their attention was focused on the provisions of that document, not on the history of Colonial legislation as precedent, and they probably had misgivings as to the constitutionality of compulsion as later evinced by Daniel Webster.

#### *War of 1812*

In 1814, on December 9th, Daniel Webster made his famous speech against conscription in the House of Representatives (not published in the Journals of Congress but in *The Letters of Daniel Webster* by C. H. Van Tyne, 1902, p. 56, and partial reprint in *Daniel Webster on the Draft*, Am. Union Against Militarism, Wash., D. C., pamphlet, April 1917). This was directed at the constitutionality of the conscription bill then proposed. He was preeminently

the constitutional lawyer, and his concern was not with historic precedents antedating that document. If he could show it to be unconstitutional he had achieved his aim. He undoubtedly felt that he had a strong position in asserting this; there was no need therefore to show that conscription was a departure from tradition. It is possible, moreover, that he would have granted to any of the State Governments, whose constitution permitted it, the power to pass such a measure, for he says "It will be the solemn duty of the State governments to protect their own authority over their own militia." Yet he implies that conscription is a departure from American traditions, for he denies that it is consistent with the character of a free government and he asserts that it is not civil liberty. But, though he extols the union, it is evident that he likewise deems the governments of the States (sprung from the colonies) to be free and to afford civil liberty. It was said of this speech that "it must be remembered that at that time (1814) the Constitution was barely 25 years old and the men who wrote it and knew its spirit and meaning were alive and interpreted it." (*Cong. Rec.* Vol. 55 pt. 2, Apr. 27, 1917, p. 1327, Senate) but even then (1814) time had run, pre-revolutionary voluntary enactments had eclipsed the long prior history of compulsory enactments in the colonies, and they had been forgotten. If Webster knew of New Hampshire's record in these enactments he does not say, nor was it incumbent on him to say so—for constitutionality, not tradition, was the issue on this occasion. (See U. S. Sup. Ct. hereon, *infra*, p. 83.)

The remarks made in the House on the previous day (Dec. 8, 1814) by Mr. Miller of New York reinforce this interpretation, as they show the standpoint of opponents of the legislation was that the constitutional denial of power to conscript was present as a result of preserving this power for the States.

### *Civil War (1863)*

In 1863, in February, the so-called conscription law (S. No. 511) was being considered. This was a time well along in the conflict; the people were disheartened; the war had sobered men out of any vanities and pretensions based on legalisms or historicity; necessity drove. So, instead of raising any questions about whether this draft was in accord with tradition, there was cited in support the resort that individual States of the union had had to conscription (Mr. Sherman, Feb. 16, p. 990, *Cong. Globe*, 37th Cong. 3d Sess.) and it was recognized

(+)

that "the history of the world shows that unwilling soldiers have made the most able and most expert soldiers" (Mr. Nesmith, Feb. 16, p. 989, *Cong. Globe*, 37th Cong. 3d Sess.).

At this time occurred the case of *Kneedler v. Lane* in Pennsylvania which held the Civil War Draft to be constitutional (vol. 9, Pennsylvania State Reports, pp. 238–338). The opinions of the Justices in this case constitute an early example of the diversity of opinion even in a learned group on a considered formal occasion, as to the existence of compulsion in the colonies. The militia was recognized as a State institution (p. 244) by Chief Justice W. H. Lowrie. The conscription bill of 1814 was noticed (p. 258) by Justice G. W. Woodward, who later, as Chief Justice in the same case (p. 334) infers that when the constitution was established, its founders, as well as Great Britain, had repudiated conscription. He says: "Until some evidence historical or traditional is produced. . . I must be pardoned for withholding assent." In the same case (p. 316) Justice Daniel Agnew distinguishes between conscription and impressment, and states that for the latter "Colonial history furnishes no argument." On the other hand, the existence of compulsion in the colonies was recognized in his opinion in this case by Justice W. Strong (see pp. 278, 279, 280 of *Kneedler v. Lane*, *supra*, in number 580, Pennsylvania, in that volume of compilation herewith) and by Justice J. M. Read (*Ibid*, pp. 285, 286, 288, 289).

(±)

(-)

(-)

(+)

(+)

### *War with Spain (1898)*

During the consideration of bills to increase the military establishment for the war with Spain the misconception as to our Military tradition did not emerge in its classic form (i. e. assertion that compulsion not traditional) because the draft was not proposed as a means of raising troops. The bills considered were bills asking for volunteers. However, there was an objection registered which reveals how congressional practice had departed from that in effect in the colonies. On April 20, 1898, during the consideration in the House of H. R. 9944, authorizing volunteers, which was the bill that was finally approved, Mr. Handy objected to the nature of that bill in respect to it being set up as permanent legislation, on the ground that, under it, a simple resolution



at any future time, declaring war and authorizing the President to raise armies, could ensue, and this would violate the Constitutional provision that appropriations of money shall not be for a longer term than 2 years. Yet exactly this sort of preparedness legislation is to be found on more than one occasion in Colonial legislation.

In passing, it is to be observed that the bill as introduced embodied the preamble "That all able-bodied male citizens of the United States and persons of foreign birth who shall have declared their intention to become citizens of the United States, under and in pursuance of the laws thereof, between the ages of 18 and 45 years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States". Mr. Handy pointed out that there was already on the statute books legislation along this line passed in 1792, namely in Sec. 1625 of Revised Statutes we find "Every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years and under the age of 45 years shall be enrolled in the militia".

In other words, in 1792 and in 1898, there emerges the continued recognition of the core of the principle of compulsion, born in the Colonies, carried on the Federal Statutes thereafter, but watered down by statutory weasel words of application, to wit volunteering. Yet any one reading the core language would, it would seem, be put on his guard as to what the former practice had been and would not make assertions that it had not been compulsory.

## 1904

"... nearly every able-bodied man served in the (colonial) militia."—LOUIS C. HATCH (+) in *The Administration of the American Revolutionary Army*, N. Y. Longmans Green, 1904.

## 1912

The most outstanding classic in this field is, of course, *The Military Policy of the United States* post Civil War Manuscript by Brevet Major General Emory Upton, United States Army, Wash., Govt. Ptg. Off., 1912, first published in 1904. But he begins his account with the campaign of 1775 and does not enter into the nature of the enactments in the individual colonies.

## 1915

Frederick Louis Huidekoper is the author (+) of the classic *The Military Unpreparedness of the United States*, N. Y., Macmillan, 1915. In his first chapter on the Colonial Period he does not go back of the revolution, but reminds us (p. 3) that "the American Colonies possessed no regular military force; that was supplied by England. Each colony had a force of militia of distinctly uncertain value as a military asset. It contained, however, an admirable nucleus in the shape of some excellent officers and men who had received a thorough schooling in the French and Indian Wars". On page 526 he says: "Indeed the principle of compulsory service is no more a violation of the policy and traditions of the American people than is the payment of taxes under compulsion."

In *The Military Spirit of New England* (Phila., Pa. 1915) Walton Clark says "The Military Spirit of New England, so long as it retained its early vigor, found expression in a constant state of preparation, and, when necessity required, in action prompt and stern. Of the latter expression of the militancy of the New England Spirit history makes an heroic record. 'The past at least is secure' " (p. 6). (+)

## 1916

*Leading opinions both for and against National Defense* by Hudson Maxim, 1916, is another prolific source of erroneous opinion, such as the statement in the speech of William Jennings Bryan at Johnstown, Pa., November 1st, 1915, in which he says of preparedness: "... We are urged to depart from the traditions of the past and to enter upon a new policy ...". (-)

## 1917

The one outstanding recognition that compulsion had been the American way occurred in 1917—a unanimous formal public recognition by the highest authority. In the Selective Draft Law Cases, 245 US 366 (an amalgamation of nine causes, some of them celebrated ones) the Supreme Court of the United States, in the October term 1917, recognized this, unanimously, in the opinion by Chief Justice White (and see the brief for the Government in two volumes). This opinion said: "In the Colonies before the separation from England there cannot be the slightest doubt that the right to (+)

enforce military service was unquestioned and that practical effect was given to the power in many cases. Indeed the brief of the Government contains a list of Colonial Acts manifesting the power and its enforcement in more than two hundred cases. And this exact situation existed also after the separation. Under the Articles of Confederation it is true Congress had no such power, as its authority was absolutely limited to making calls upon the States for the military forces needed to create and maintain the army, each State being bound for its quota as called. But it is indisputable that the States in response to the calls made upon them met the situation when they deemed it necessary by directing enforced military service on the part of the citizens. In fact the duty of the citizen to render military service and the power to compel him against his consent to do so was expressly sanctioned by the constitutions of at least nine of the States, an illustration being afforded by the following provision of the Pennsylvania constitution of 1776. 'That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion toward the expense of that protection, and yield his personal service when necessary, or an equivalent thereto'. Art. 8 (Thorpe, *American Charters, Constitutions and Organic Laws*, vol. 5, pp. 3081, 3083). (See also *Constitution of Vermont*, 1777, c. 1, Art. 9 (Thorpe, vol. 6, pp. 4747, 3740); *New York*, 1777, Art. 40 (id., vol. 5, p. 2637); *Massachusetts Bill of Rights*, 1780, Art. 12 (id., vol. 4, p. 2455); *Delaware*, 1776, Art. 9 (id., vol. 1, pp. 563, 564); *Maryland*, 1776, Art. 33 (id., vol. 3, pp. 1686, 1696); *Virginia*, 1776, Militia (id., vol. 7, p. 3817); *Georgia*, 1777, Art. 33, 35 (id., vol. 2, pp. 777, 782)). While it is true that the States were sometimes slow in exerting the power in order to fill their quotas—a condition shown by resolutions of Congress calling upon them to comply by exerting their compulsory power to draft and by earnest requests by Washington to Congress that a demand be made upon the States to resort to drafts to fill their quotas (*Journals of Congress*, Ford's Ed., Library of Congress, vol. 7, pp. 262, 263; vol. 10, pp. 199, 200; vol. 13, p. 299, 7 Sparks, *Writings of Washington*, pp. 162, 167, 442, 444)—that fact serves to demonstrate instead of to challenge the existence of the authority. A default in exercising a duty may not be resorted to as a reason for denying its existence.

"When the Constitution came to be formed it may not be disputed that one of the recognized necessities for its adoption was the want of power in Congress to

raise an army and the dependence upon the States for their quotas. In supplying the power it was manifestly intended to give it all and leave none to the States, since, besides the delegation to Congress of authority to raise armies, the Constitution prohibited the States, without the consent of Congress, from keeping troops in time of peace or engaging in war. Article I, sec. 10."

In the language of the Reporter, Ernest Knoebel, for the Banks Law Publishing Co. (+) of New York, the Selective Draft Law cases (245 U. S. 366), stands among others for the following proposition (Headnote 1 in Syllabus): "The grant to Congress of power to raise and support armies considered in conjunction with the grants of the powers to declare war, to make rules for the government and regulation of the land and naval forces, and to make laws necessary and proper for executing granted powers (Constitution I, Sec. 8) includes the power to compel military service exercised by the Selective Draft Law of May 18, 1917, c. 15, 40 Stat. 76. *This conclusion*, obvious on the face of the Constitution, *is confirmed by an historical examination of the subject.*"

The case is cited for this point in 302 U. S. 48, 82 L. E. 42, 58 S. C. 82.

## World War I (1917)

In 1917 in the debate on April 25, on the bill (S 1871) to increase the military establishment, in discussing universal service, Senator Reed of Missouri asserted that: "America has been the most positive of all modern nations in asserting the doctrine that a nation must rely for its defense upon the valor and the patriotism of its citizens . . . we have proudly boasted that the manhood of America, *without coercion of law*, or threat of authority, would, if called, rush to the colors and defend them against all enemies. This is the historic doctrine of the republic. We are now asked to repudiate it." (*Cong. Rec.*, vol. 55, pt. 2, p. 1072). He goes on to quote from the historian Greene who undertook to show that "dependence has been upon voluntary service," (—) that our ancestors brought it from England, and that it was one of the two principles on which the States were founded, "no less in Virginia than in New England" (p. 1077).

In the hearings before a Subcommittee of the Committee on Military Affairs, United States Senate, 64th Congress, 2d Session, on Universal



Military Training (S. 1695) on January 11, 1917, Mr. Frederic L. Huidekoper, lawyer, (+) of Washington, D. C. stated: "In every time of great crisis the United States has been compelled to resort to the draft—in other words to compulsory military service. In my letter of April 7, 1916, to this Committee . . . I wrote that 'The arguments of the pacifists (incidentally I always call them pussystiffs) that compulsory military service is contrary to American traditions and practice are absolutely disproved by several facts, viz: (1) The example set by Virginia and Massachusetts in 1777, whereby men were drafted into the military service—a method recommended by Washington to the President of Pennsylvania as the only certain way of obtaining troops; (2) the system inaugurated by the law of May 8, 1792 . . . (3) the recommendations made by Jefferson during his tenure of the Presidency and especially in his letter of June 19, 1813, to James Monroe; (4) in the system of compulsory military service exacted of all able-bodied white males between the ages of 18 and 35 by the Confederacy beginning with 1862; and (5) the enrollment act approved March 3, 1863, better known as the "draft law" which was subsequently amended by the laws of February 24, 1864, and March 3, 1865, whereby the Union resorted to obligatory military service after complete failure to secure the necessary troops by voluntary enlistment'."

How many more mute witnesses Colonel Huidekoper could have called to his support if these colonial statutes had then been revealed! And yet, specialist that he was in this field, he evidently shared the universal natural ignorance of them. For the first time Pierson, at the Army War College, had digested fragments of some of those of two of the original colonies some 3 years before (but this was in single manuscript<sup>1</sup> only, and evidently not known, inasmuch as only an author card represented it); and it was to be only 9 months later when the only other revelation of these occurred, namely, in the October 1917 term of the United States Supreme Court, through references to most of the statutes from each of the 13 colonies, supplied for the government brief in the

<sup>1</sup> *Digest relating to Compulsory Military training in the United States, 1783-1915*, Horace G. Pierson, Army War College, 1914-1915, 4 Vols. and index volume, bound, typescript 1 side, (War College Library Class UA 42 P. 61, Pt. 1-40727 pt. 2-40728, Pt. 3-40729, Pt. 4-40730, and Class No. UA 42 A 48 Index).

Selective Draft Cases, by the researches of Mrs. Robert Szold. (+)

In these same hearings Prof. John Dewey (-) says the bills propose a change in American ideals and manners more momentous than campaign issues or constitutional amendments (p. 561).

Mr. Edward P. Chaney, Professor of (±) European History, University of Pennsylvania, as an opposition witness on April 14, 1917, at hearings before the Military Affairs Committee, House of Representatives, U. S. Congress, on the bill to increase the military establishment, said: "There has been a slender stream of compulsion in military service in our country, but it has been a very slender stream, the part that compulsion has taken in our history, and it has been very slight. Only twice so far as I have seen the correspondence, three times in the whole history, if you consider a private letter, Washington recommended the use of the draft . . ." (p. 33).

In *Compulsory Military Service* London, 1917, (O) J. C. Coulton, does not advert to its traditions in America.

Col. William H. Merritt in *Canada and* (+) *National Service* (Toronto, 1917) says: "The United States have retained, it must be said to their credit, the power of the old Colonial days of calling out their manhood between the ages of eighteen and forty-five for training and defence. Originally in imitation of the County System in the Motherland, this was an obligatory militia system in the Seventeenth Century for protection against the Indians . . ."

## 1919

The chapter on Militia in *Compilation of War laws of the various States and Insular Possessions*, (cited as "State War Laws" Judge Advocate General of the Army, 1919, Washington, Govt. Printing Office, April 17, War Dept. Doc. 899, A. G. O.), covers those laws then in effect only.

An admirable typewritten study of 49 pages made at the U. S. Army War College for General Crowder by Lt. Col. Joseph Fairbanks, Judge Advocate, in April 1919, is entitled "Conscription". Its bibliography contains many items not usually noted. As he states



therein: "The American Colonies and the United States have not been touched". The last statement of his conclusions, made after extensive historical consideration is worth quoting: "The danger of reasoning from historical analogy is fully appreciated; yet unless the teachings of all history are to be wholly disregarded, we may confidently assert that a self-governing people who have adopted a well conceived plan of universal compulsory military service may rest assured that they have related their national defense to their political institutions in the soundest manner yet devised." This study is the only one that has been encountered which (on page one thereof) voices the elementary distinction between compulsion and conscription, which distinction is nevertheless so necessary to bear in mind in our present consideration. Compulsion is simply what the word denotes, whether it be pronounced by statute, charter, or constitution, or simply implicit in the political fabric; whereas conscription (latin: *conscribere milites*) is a method of enrollment and choice.

In 1945 Congressman James W. Wadsworth testified concerning legislation in 1919: (p. 151). ". . . I was chairman of the Military Affairs Committee of the Senate at the close of World War I. That committee, as well as this committee in the House of Representatives of that day, each of them, went to work in the year 1919 in an endeavor to set up for the first time in our history a sound military policy for the United States . . . (p. 152) . . . that committee of which I was chairman at the time by an overwhelming vote of its own members, with no partisan division whatsoever, included in the first draft of the bill a provision for compulsory universal military training . . . It was a Presidential year. The political leaders of both parties in the Congress of that day came to me and came to my colleagues of both parties on the Military Affairs Committee and stated that if we dared propose such a thing to the Senate, it would be kicked around as a political football by both parties and would be so discredited that it would not have a chance of adoption by either the Senate or the House. The fact is, Mr. Chairman, we were subdued primarily from political considerations, not as the result of innermost convictions, and the proposal was dropped."

(Page 153): "The skeleton structure (National Defense Act) stood from 1920 until 1940—September 16, 1940—when as the result of the passage of the Selective Service law, signed by the President on that

date, at last we began to fill the skeleton structure and to do it we had to employ the same fundamental principle as was proposed by the Senate Committee on Military Affairs in 1920. And the historian, I am sure, will agree with this statement, that had we not in 1940 recognized the facts of the situation here in the Congress and passed that Selective Service law, we would have been in no position to have defended ourselves against the Axis Powers. As it was we had a very very narrow escape, for our experience in those 14 months between September 16, 1940, and December 7, 1941 demonstrated that starting de novo, on an effort of that kind, a year or 14 months is scarcely enough to make this country secure."—Hon. JAMES W. WADSWORTH, *Representative in Congress, N. Y., Hearings Mil. Affairs Comm., 79 Cong. 1st Sess., Nov. 20, 1945, Universal Military Training.*

## 1920

Maj. Gen. E. H. Crowder in his *The Spirit of Selective Service*, N. Y., Century Co, 1920, does not refer to the pre-revolutionary period, but in his chapter III, Volunteer system in America, he asks (p. 61): "was the old volunteer system to which America had been committed since the days of the Revolution adequate to the accomplishment of the task?" And he goes on (p. 62) "The Revolutionary War found America a group of thirteen independent colonies . . . Each colony had its unorganized militia, the untrained body of its able manhood, obligated by English tradition to the duty of military service . . .

## 1922

We find in the admirable *History of military Conscription with Especial Reference to the United States* by Frederick Morse Cutler—a dissertation, Clark University, Worcester, Mass., Mss., 106 pp., 1922, certain distinctions and points made which necessitates its inclusion in part here. (Footnotes are omitted.)

(Page 1): "'Conscription' is the compulsory enlistment of men for military service; the word gained its modern significance in connection with the French law of September 5, 1798 . . .

(Page 2): "History reveals five different classes of attempts, made more or less successively, to solve the problem—*militia conscription, professionalism and volunteering (attempted substitutes for conscription), draft conscrip-*

tion, and Selective service conscription. (Vol. Serv. Committee. The Case for Voluntary Service, 33. London, 1915) . . . ”

(Page 3): “1. MILITIA CONSCRIPTION—RESTRICTED SERVICE

In primitive society the army was the nation mobilized and the nation was merely the quiescent army; (Herbert Spencer. Principles of Sociology, I, 557, N. Y. 1904.) . . . the militia, otherwise known as the ‘*levy in mass*’ and the ‘*posse comitatus*,’ was the fundamental system of military service found amongst all races and nations, with origins dating far back in the prehistoric past . . . Always and everywhere the entire able-bodied male population, organized as a militia, has constituted the ultimate reliance for national offense and defence. The clans which gathered in response to the bidding of the ‘fiery cross’ in old Scotland were the militia in its simplest form . . .

“*Militia service* was a type of conscription; when the nation mobilized, all its nationals must respond to the summons; such has ever been the rule . . .

(Page 5): “The word ‘conscription,’ originated amongst the Roman militiamen, but not in the modern sense of the term . . .

(Page 6): “In the early years of the Feudal system, the beneficiaries of which were compelled to render military service in return for the use of land, the levies were militia, known as the *arriere-ban*; <sup>13</sup> tenants were liable for duty for only forty days at a stretch. A similar arrangement prevailed in the free cities of Italy and Flanders . . .

(Page 7): “In Sweden Gustavus Adolphus revived the Feudal militia customs in 1630 under the name of ‘*Indelta*,’ . . .

(Page 8): “Louis XIV revived the decadent French militia as a reserve for his professional army.<sup>18</sup> Denmark and Norway constituted their militia on the Swiss model; and Australia, in 1909, became the most recent convert to the plan. Prior to the World War a militia existed in Germany under the title of *Landsturm* and in Russia as the *National Legions* . . .

“Because of the normative influence of the British system upon American history, we reserve until the last consideration of the English militia, of which the antiquity was very great, and of which our own system was a direct off-shoot. The landholder bore the burden of maintaining the Feudal militia; originating in Saxon days, the force could not be compelled to serve outside of the county in which its members

resided except in the event of an invasion; even then the militiaman could not be ordered outside the bound of the kingdom. The oldest militia laws of which record is extant in England were the Statute of Winchester, 1285, (13 Edw. I, 6.) and another, negative in tenor, dating from 1327, which forbade the king to transgress the customary limitations. (I Edw. III, 5.) Lords Lieutenant were appointed in 1549 to manage the militia, to which the name, ‘*Train-band*,’ then began to attach. Indeed we have anticipated events in employing the word, ‘*Militia*’ for we do not find that term used until 1590 (citing references).

(Page 11): “It was the introduction of hired substitution which caused the trouble; we shall presently see that such a provision transforms any kind of conscription into a method for exempting the rich, and oppressing the poor, and debasing army standards . . .

(Page 23): “4. THE DRAFT CONSCRIPTION

When conscription has been timidly applied in attempting a solution of the military-service problem, when substitution has been permitted either by exchange or by payment of money, the result has been a half-way measure classing somewhere between volunteering and selective service; our British friends termed it the ‘*ballot*,’ while Americans have become accustomed to it under the title, the ‘*draft*’ . . .

“Sir James A. H. Murray defined ‘conscription’ as the ‘enrollment by lot of fixed numbers of those liable to service, with the option given of procuring a substitute’ (Oxford English Dictionary); he had in mind the form of conscription which is here termed the ‘*draft*.’

(P. 24): “It has been customary to assert that the word, ‘*conscription*’ was first employed in the modern sense in the French law of Sept. 5, 1798; since Jean B. Jourdan was the originator of the law, he has usually been regarded as founder of the system of compulsory service.” (Encyc. Britt. 9th Ed. II, 601) . . .

(P. 27): “5. SELECTIVE SERVICE CONSCRIPTION

This, the fifth and finally successful attempt at solving the problem of securing sufficient manpower for military service, may be defined as a method of conscription without any option of procuring substitutes; every able-bodied male citizen was liable for duty in the armed forces of the country; such as could be most useful in the army, and would be less essential in the national industries, were sent forth as soldiers,



while the others received assignment as munition workers, or producers of food, or contributors in other-wise to the economic life—all were regarded as participating in the national military effort, all rendered compulsory service in return for a soldier's pay and rations, and all claimed a share in whatever successes might result from their combined effort. No substitution whatever was permitted; rich and poor must perform the same duty, and perform it side by side . . .

"Prussia was destined, by force of circumstances, to be the inventor of selective service conscription. Crushed at Jena on Oct. 14, 1806, she was compelled by the Peace of Tilsit (July 9, 1807) to reduce her army to 42,000 men; Napoleon intended to terminate the Prussian peril once for all. Stimulated by disaster, the kingdom experienced a great patriotic and moral revival, amongst the leaders of which was Gen. Gerhard J. D. von Scharnhorst. The Prussian army which went down in defeat, had been constituted on the professional basis, in accordance with the methods invented by Frederick the Great: it consisted of Prussians, and to that degree was national, but its members were selected by tyrannical means and were the victims of injustice—their hearts were not in their work.

(Page 28): "In response to French influence, the nation inevitably turned toward conscription as the new method for selecting its army; but how could conscription be made compatible with a numerical limitation to only 42,000 men? Scharnhorst's answer was the proposal of the *Krumpersystem*, the plan of short service, which had never occurred to Napoleon as a possibility, when he framed his terms at Tilsit; the first class of 42,000 soldiers were regarded merely as the skeleton of a far larger force, and continued in active service only long enough to receive essential training, and then returned to civilian occupations, retaining however the military status of reserves, liable to take the field when recalled by the government, and were replaced in active training and service by a second 42,000, and so on . . .

(Page 35): "While there exists a resemblance between the *militia conscription* with which we began our study, and the *selective service conscription* with which we conclude it, the resemblance is merely superficial; between the two there is a difference of degree so great as to amount to a difference of kind. The nations' progress from militia, through professional soldiers, volunteers, the draft, to selective service, was not movement in a circle—it was the ascent of a spiral;

the beginning was down on the plane of national failure, while the culmination was in the plane of success. Having reviewed the origin of selective service conscription by way of introduction, we shall proceed to study the same theme in the field of American history . . .

(Page 36): "CHAPTER II.—The Military System of the United States . . . Conditions in the early Colonies were almost as primitive as in the stages of society where the militia system originally evolved . . . moreover the English settlers came from a land where the militia system flourished, and they transplanted the familiar methods to their new American habitat. *Service was compulsory*; arms and equipment, furnished by the militiamen themselves, must be 'acceptable' to the officers; the captains were professionals, and were supported at the expense of their companies, . . .

#### (Page 68): 4. "STEPS TOWARD CONSCRIPTION

"While militia service continued to be universally compulsory, there was no need of conscription—the militia system persisted vigorously in America three or four centuries after it had been replaced by professionalism upon the continent of Europe. The Federal militia law of 1792 had set the seal of Constitutional authority on the force, and had done everything legally possible to perpetuate its universally compulsory features. The law declared that any man, duly notified, who should fail to obey the orders of the President, would be liable to fine or imprisonment. (Upton, 441.) In 1794, for the first time, the Federal Government made effectual use of its power over the militia, when it asserted the right to detach 80,000 members of the force for service against France; the noteworthy fact is that no protest was raised by any of the States. The militia was actually employed, three months later in the same year, to suppress the 'Whiskey rebellion.' Call after call was subsequently made upon the States for the use of their militia in Federal service.

(P. 72): "Arguments were advanced for and against compulsion (1916). It was pointed out that, historically, conscription and democracy had always kept company, whereas volunteer enlistments had been the concomitant of despotism; (Immanuel Kant. *Works*, V, 270. Leipzig, 1867. Numa D. Fustel de Coulanges, *Revue des Deux Mondes*, Nov. 15, 1870. Ferdinand A. Bebel, *Nicht Stehendes Heer*. Stuttgart, 1898. G. G. Coulton. *Hibbert Journal*, Jan. 1907.



Jean Jaures. *Democracy and Military Service*. London, 1917. Paul Lensch. *German Social Democracy and the War*, 58, Vorwaerts, 1917. G. G. Coulton, *Compulsory Military Service*, 62. London, 1917). . . .”

Surely in a chapter entitled “The Background of our Traditional Army Policy” one would expect to find historical beginnings adverted to, if in no more than conclusion form. But, as often the case, in this first chapter of *The Building of an Army* by John Dickinson, New York, Century, 1922, these (O) beginnings are not considered.

## 1924

“ . . . the colonies in their returns distinguishing the names of the volunteers from the drafted men” (2d Inter Colonial war).—*The American Colonies in the 18th Century*, H. L. Osgood, 1924, ( + ) v. I, p. 437, 8.

## 1930

In *National Defense Its Legal Aspects*, “An attempt to trace the legal foundation of the Nation’s right to defend itself,” by U. S. General Staff, Military Intelligence Division, Public Relations Branch, 1930, the trail is not pursued back beyond the constitution.

## 1937

“Prior to the declaration of war, on April 6, 1917, the United States had no historical precedent on which to base plans for the selective service law. In all wars, from the revolution to the war between the States, reliance had been placed upon the voluntary enlistment to satisfy all military needs.”—*Army War College, G-1 Committee Report*, ( - ) Subject: *Procurement of Personnel*, 1-1937-1.

Gen. Oliver Lyman Spaulding, F. A., U. S. A., late Chief Historical Section, Army War College, in his book *The United States Army in War and Peace*, N. Y., Putnam’s, 1937, says in Chapter I: The Military Background of the American Colonists (pp. 1-3): . . . “When the first Englishmen established their first permanent settlements on the Atlantic coast of America, they brought with them English ideas not only of civil but of military affairs. No one thinks of studying American civil institutions without considering the political ideas imported with the colonists. ( + )

Equally impossible is it to study American military institutions without first studying their European background. Our first care, then, must be to inquire into the military ideas of Europe, and particularly of England, in the seventeenth and eighteenth centuries.

“The armies of the period were small professional armies. ‘Royal’ regiments were raised in the name of the sovereign, without intermediary, but others were raised by the ‘indenture’ system. Under this plan, the king or his ministers entered into an agreement with some competent and responsible nobleman or gentleman, to raise and command a regiment for the king’s service. This he did usually by a system of subcontracts, men of military experience and reputation raising companies. The contracts specified all details as to term of service, pay and equipment, and the allowances to be drawn by the contractors for recruiting and maintenance . . . Besides the royal and indentured regiments, there existed in some countries a force of home guards, organized and partially trained. This was the case especially in England, where an *organized militia* existed from the earliest times, and was never entirely displaced by the transplanted Norman feudal forces. *Liability to service in this force was, at least in theory, universal*. The Lords Lieutenant of the counties organized local regiments or ‘*trained-bands*,’ which were turned out at stated times for drill and inspection. They were liable to serve anywhere within the kingdom to repel invasion, but were not liable to foreign service. (Osgood, I, 499.)

“This gives us the fundamentals of the military system familiar to the earliest English colonies in America. Their first need was for a home defense force, and this, naturally, they organized on the lines of the English militia. But there was one marked difference, not considered at first, whose importance became evident later. Each colony was independent of every other. Instead of a single militia there were many little militias, with no central command. And a genuine war, far more serious than any Indian raid, began late in the seventeenth century, and lasted intermittently almost down to the time of the Revolution.”

## 1938

“Neither the war with Mexico or the Spanish-American War were of sufficient magnitude to require the application of compulsory service. Consequently, the only historical precedents available to this nation,

at the advent of the World War (I, 1914-1918) were the conscription methods employed during the civil war.”—*Army War College, G-1 Committee Report, Subject: Procurement: of Personnel, 1-1938-2.* (—)

## 1939

In *American Selective Service: a brief account of its Historical Background and its Probable Future Form*, prepared under the supervision of the joint Army and Navy Selective Service Committee, October 1939, 33 pages, Wash, Gov’t. Prtg. Off. it is said (p. 5): “9. *The original American Draft System.*—The drafting of soldiers in the United States did not begin in 1917, nor even in 1863; it is as old as white America. The first settlers brought with them the English militia system, the self-armed citizenry; and the grim necessities of pioneer existence strengthened the already recognized obligation of universal military service” (+)

In Chapter III, Section 1, entitled “American Selective Service—a brief account of its historical background.” of the Report of Committee No. 2. Subject: *Procurement of Enlisted Personnel*, Army War College, Washington, D. C., Course 1939-1940. G1 (Date of Conference Nov. 1, 1939) (Record Section, A. W. C., Document 1-1940-2) Supplement No. 1. Subcommittee No. 1, pages 42-46, the compulsion in the colonies is not adverted to. (O)

*The Pacifist Handbook*, 1939 (The Fellowship of Reconciliation), discusses the early period under the caption *What is the history of conscription in the United States* by saying “In 1777 Virginia and Massachusetts made attempts to conscript men for service, and in the following year Gen. George Washington wrote a letter in which he favored a draft. It was suggested in the War of 1812 but opposed by Daniel Webster in such resounding terms that the record of his speech was suppressed for nearly 100 years. . . .” (±)

## 1940

Mr. Edward Brooke Lee, Jr., does not advert to the history before 1783 in Part I “A Technical and Historical Background” of his “*Politics of our Military National Defense*”—a history of the Action of Political

Forces within the United States which has shaped our Military National Defense Policies from 1783 to 1940, together with the Defense Acts of 1916 and 1920 as case studies,—Thesis, Department of Politics, Princeton University, April 1940 (Document No. 274, 76th Congress, 3d Session, U. S. Gov’t. Prtg. Off., Wash., 1940).

## World War II (1940)

In 1940, on July 26th, during the hearings on the Selective Service bill (H. R. 10132) before the Committee on Military Affairs of the House of Representatives, 76th Cong, 3d session, the socialist, Norman Thomas, of New York City, said (—) (p. 240): “You gentlemen are considering *a change in the American way of life* more revolutionary than has ever been proposed at any one time in any single bill. You have before you a bill for adopting in America the basic principle of totalitarianism: That is the registration of the entire adult male population for compulsory peacetime military training and service under conditions defined in large part by executive decree.”

Mr. Thomas then supplied a quotation from the speech of Daniel Webster of December 9, 1814, which, better than those therefrom hereinbefore, serves to show that the conception of the opponents then, as with Mr. Thomas in 1940, was that compulsion was a departure from American traditions, namely the quotation: “That measures of this nature should be debated at all in the councils of a free government is cause for dismay. The question is nothing less than whether the most essential rights of personal liberty shall be surrendered and despotism embraced in its worst form.”

It is to be noticed that 1940 was but another, though more critical, juncture in American history, when time was short, training long, the Eagle of war upon the wing—yet, saliently, the erroneous argument of departure from traditions in this and other men’s mouths, held up the passage of imperative salutary compulsion for an unconscionable time.

Shortly before that, on July 11, 1940, before the Senate Committee on Military Affairs, Mr. Thomas had declared of the peacetime military conscription (Selective Service bill, S. 4164): (p. 255) “For no proposal could be more in line with Fascist regimentation *and less in accord with American tradition and the American way of life* than this bill.” In June 1945 Mr. Thomas admitted that he



had been terribly mistaken in opposing the 1940 bill (Hearings House Select Committee on Universal Military Training, p. 232) though he now opposes the latter proposition. It is a shift of ground from opposition to compulsion in general at any time (ground occupied by some, if not by Mr. Thomas) to opposition to compulsion in peacetime, and again to opposition to it in peacetime when no hostilities impend.

In his concern over alleged departure from American traditions in establishing Selective Service, or, now peacetime training, Norman Thomas represents somewhat of an anomaly. Politically he wants us to depart from traditions—to embrace socialism instead of democracy. Militarily he wants us to abide by the traditions that he fancies to obtain. Yet it is politically that our system has ever been far advanced from its Federal outset, and has since operated well; whereas, militarily, at our Federal founding, we were diverted to a less effective system to our detriment thereafter.

“ . . . when Abraham Lincoln saw that, to win the war, he must needs follow the example of the South and conscript all able-bodied men for his armies, this was done in virtue of the obligation which had been part of English common law from time immemorial, before the conquest and afterwards.”—*Medieval Panorama—The English Scene from Conquest to Reformation*, by G. G. Coulton, Cambridge, ( + ) at the University Press, 1940 (p. 2. Introduction).

*The Dictionary of American History*, James Truslow Adams, Editor, N. Y., Scribners, ( + ) 1940., Vol. II, under “Conscription” says: “The right of the State and the duty of the citizen in regard to military conscription were accepted as fundamental law in the colonies. All the Thirteen Original States and Vermont, followed this in practice in pre-Revolutionary days. Nine States made constitutional reference to it. It was a local obligation due to the States.”

## 1941

A. Arthur Schiller in *Military Law and Defense Legislation*, 1941, considers the Selective Draft Law Cases of 1917, with annotations to commentaries, yet neglects to refer to the judicial notice taken in that cause (and necessary to its decision) of the existence

of 200 statutes of compulsion in the colonies (as elsewhere quoted herein).

In *Compulsory Military Service*, E. C. Buehler, ( ± ) 1941 under the caption “Historical Aspects of the Question” summarizes indefinitely as follows: “over our long span of history the United States has been relatively free from compulsory military service as compared to other countries, but even our young Nation, protected by thousands of miles of ocean with all her love for freedom and democracy, has from time to time embraced the policy of compulsory military service” (he instances none from pre-revolutionary times).

Robert Hahnel in *Man Power, U. S. A.*, St. Louis, 1941, does say (Ch. III, Conscription in the Light of Its Past) that: “Always compulsory ( + ) (The Militia), its origins reach back into the preliterate period of the neolithic” and “American history has its Swamp Fight of 1675, the capture of Louisburg in 1745, Lake George in 1755; Bunker Hill, Saratoga, Kings Mountain and New Orleans were likewise militia victories.” These two statements taken together show recognition that compulsion obtained before the constitution in America, but even here no attention is given in general or specifically to the legal pronouncements of the colonies that constitutes the tradition on its legislative side, nor is there a showing that this occurred in peacetime.

Elbridge Colby says of *Conscription*, “As originally employed in Jourdan’s law of September 11, 1798, the word conscription meant the ( + ) ‘inscribing together’ of the names of all youths from twenty to twenty-five years of age, on the assumption that the government would make of every Frenchman a soldier to help hurl from the frontiers the mobilized monarchs avid to destroy the Revolution. But more were called than were needed, even in those days when military manpower was national income to be expended rather than royal capital to be saved, as it had been under the old regime. And so a selective basis was adopted and, strictly speaking, ‘conscription’ came to be understood as implying a choice by the drawing of lots among those enrolled. This had been the method by which the ‘milice’ of France had been called during the eighteenth century to raise men for provincial regiments and even to furnish replacements for the wars of Louis XIV. During the nineteenth century, however, with the



system of compulsory service spreading throughout Europe, training citizens even in peacetime and then discharging them into the civilian 'reserve', there grew up a tendency to excuse unneeded numbers on the basis of the presumable essential character of their occupations, because of physical defects, or because of class, caste, or educational distinctions, rather than to make the selection on the basis of chance alone. This tendency was accentuated after the Franco-Prussian War of 1870, with Germany and France developing mass armies of the nation in arms to conquer by assembled and overwhelming manpower. Consequently, the twentieth century conception of 'conscription' came to be synonymous with 'compulsory service', excepting perhaps a lingering sense that 'conscription' was a wartime measure, as distinct from the enthusiastic 'volunteer service' which remained the vogue in England and America.

"Conscription in America likewise grew out of the ancient militia idea. Feudal lords and mediaeval towns were held obliged to furnish their liege lords, in addition to their personal military service, also the service of a certain 'militia' or 'armed force.' These were local units. They comprised, as Adam Smith would say, men who 'joined in some measure the trade of a soldier to whatever other trade or profession they might happen to carry on.' Constitutional monarchs in England used such forces. They participated in the Great Rebellion. Settlers who came to America brought with them this 'militia' idea; 'the very conception of a just government and its duty to the citizen,' as our Supreme Court has said, quoting Vattel, included 'the reciprocal obligation of the citizen to render military service in case of need, and the right to compel it.' In spite of the Fourteenth Amendment, 'he may be compelled by force, if need be, against his will, and without regard to his personal wishes or pecuniary interests, or even his religious or political convictions, to take his place in the ranks of the army of his country and risk the chance of being shot down in its defense.' In other words, the interests of the state, the new republican state of modern times, are paramount. *All of the Thirteen Original States, and Vermont, followed this idea in their practice in pre-revolutionary days.* Nine included specific statements to this effect in their constitutions. It was part of the basic law of the land. The act of May 8, 1792, prescribed a plan by which the states should enroll and occasionally muster their self-equipped militia, which included the entire able-bodied citizenry. This was a federal act, but no federal militia was ever formed.

"American political theory clung closely to States' rights. The militia was in practice to be a State force. If the Federal Government wanted troops, it would call upon the States to furnish them in quotas from their militiamen, either from the unorganized citizen manpower, or from that part of it which was organized and was for long called the 'uniformed' militia."

Along with Cutler and Colby we must range Milton I. Baldinger as a modern scholarly authority on the subject. (*The Constitutionality and operation of certain Phases of the Selective Service System*—Dissertation, Georgetown Univ. Wash., D. C., May 1941). But he does not cover, even by summary statement, the historical background before the revolution in America, although he provides a short summary of some of the British Acts of the Seventeenth and Eighteenth century.

Volume 15, No. 2 of *The Reference Shelf*, N. Y., Wilson, 1941, is devoted to "Universal Military Service," compiled by Robert E. (+) Summers and Harrison B. Summers. It contains about 100 separate articles, of which *The Draft in American History, 1775-1860*, taken from *American Selective Service*, (Pamphlet, Joint Army-Navy Selective Service Committee, U. S. Govt. Prtg. Off., Oct. 1939, p. 2, 5-8) comes the nearest to our consideration. What is said in this connection is as follows (p. 43): "The drafting of soldiers in the United States did not begin in 1917, nor even in 1863; it is as old as white America. The first settlers brought with them the English militia system, the self-armed citizenry; and the grim necessities of pioneer existence strengthened the already recognized obligation of universal military service . . ."

Volume 14, No. 6 of *The Reference Shelf*, Wilson, 1941, is devoted to "Compulsory Military Training" compiled by Julia E. Johnsen. It contains some forty articles. In the first one entitled "General Discussion" (from letter by Louis (+) W. Stotesbury, former Adjutant General, State of New York, to the New York Times, New York Times, p. 14, July 15, 1940) it is said (p. 9): "Objection to compulsory military training and to the plan of Selective Service for the raising of the National Army, upon the ground that it is an innovation inconsistent with our democratic form of government, is to disregard American history, and shows lack of com-

prehension of American tradition. The obligation of universal compulsory service is fundamental of the American system of government . . . The word 'militia' was not defined in the Constitution. The framers knew what it referred to. Its meaning was at that time well understood. It did not mean the male citizenship between the ages of 18 and 45, or any other particular age. What it did mean, and was intended to include, was 'every man able to serve'—'all who are capable of bearing arms'—'the entire male population'—and in its application 'limited only by the necessities of the common country' and subject only to such exemptions as 'public convenience or experience might dictate, as when the character of one's service in a civil capacity might be deemed of greater value to the State than his service in arms'."

Scattered throughout Volume 14 No. 6 of *The Reference Shelf*, Wilson, 1941, on "Compulsory Military Training", by Julia E. Johnsen, are various statements, some making no reference to the pre-revolutionary period and others to the effect that compulsory service is alien to American traditions, e. g.

(Page 107): "Utterly repugnant to American democracy and American traditions". Opponents of 1940 Selective Service Bill (as quoted by Walter Lippmann in N. Y. Herald Tribune, p. 17, Aug. 13, 1940, though he says "the fact of the matter is that the minority, including Mr. Woodring, are not opposed in principle even to 'peace time' conscription");

(Page 129): "Some object that compulsory military training is contrary to the tradition of a free America. True, our forefathers feared standing armies as threats to freedom. But we must remember that *the standing armies which they feared were the professional instruments of autocratic governments which ruled over peoples unfamiliar with and untrained in democratic processes* . . . when our long tradition of popular government throughout the years is properly understood, *compulsory military service under today's conditions fits right into the great tradition* . . ."—(Harold Willis Dodds, President, Princeton University, New York Times, June 15, 1940, p. 10).

(Page 152): (Negative Brief) *The American Background*. Here the pre-revolutionary period is not covered.

(Page 165): "Conscription in peacetime is an unprecedented, violent . . . upheaval. . . ."

(Page 207): "Third, the adoption of military conscription in peacetime would be a radical departure

from historic American tradition. Never before in American history has it been thought necessary to resort to peacetime conscription for purposes of defense. This fact has been one of the truly glorious traditions of our American democracy; in common with most Americans we take profound pride in it, and we deny that the time has now come to abandon this feature of our National life because of the events in Europe, the gravity of which we well recognize." (Statement signed by 299 prominent men and women, 4 p.; Committee on Militarism in Education. New York, July, 1940.)

In the *Complete Handbook on Military Training* by J. Weston Walch (Platform News Pub. Co., Portland, Maine, 1941) the pre-revolutionary period is not covered in Chapter 2, *The Past Record of Study Outline*.

## 1942

In a *Debate Handbook* on the subject of Compulsory Military Training (Midwest Debate Bureau, Jacksonville, Ill., 1942) it is stated (p. 72): "If we will look closely into the early history of the United States we will see that the principle of making every able-bodied man liable for military service for the purpose of defending his home and nation is as old as the country itself. From the mother country, England, the American Colonies inherited the militia system. Under this system every citizen had an obligation to take up arms when the call was made by the proper authorities . . ."

## 1943

Nothing pertinent was discovered in the *Source Book on Conscience and Conscription and Disarmament*, 1943, and the excerpt therein from the Fourteenth edition of the Encyclopedia Britannica does not extend its historical examination beyond the revolution.

In a memorandum, within the Selective Service System of World War II, dated February 3, 1943, to Col. Edward A. Fitzpatrick, from Capt. George A. Furness, subject: *Volunteering and Enlistment in Relation to the Selective Service System* it was said (p. 2): "The obligation of free men to serve in the armed forces had however been recognized



since the earliest days of our history. We had inherited from our English forefathers the militia system which had its beginning in the 'host' of Anglo-Saxon days which, according to Stubbs in his Constitutional History, was 'the whole free population, whether landowners or dependents, their sons, servants and tenants.' The *host* under that name or under the names of the ancient *Asize*, or militia, until the reign of James I was the principal and at times the only armed force of a national allegiance. Until the 1352 Parliament, although its temper was essentially defensive, it could be and, on at least three occasions, was called upon to fight on foreign soil. The 1352 Parliament, while assisting the obligation of universal military service, decreed that only with the consent of Parliament should any man be obligated to go beyond the realm. After that date there was little occasion for calling upon the militia to fight a foreign war, it became part of its tradition that it would be only used for defense, a tradition which we inherited from the mother country. As a fighting force it was inefficient, ill-trained, undisciplined, and incapable of prolonged campaigning.

"From the accession of James I, the militia decline in importance. He was far enough from a dangerous hostile country to whose dynasty the English militia was a latent threat. During the first year of his reign he excused its members from the burden of providing their own weapons. It was hopelessly divided in civil war, and when Cromwell created England's first standing army, the new Model, incorporating in it the portion of the militia which adhered to Parliament, the militia passed out of existence. It was reestablished after the Stuart Restoration in 1660, but, with England's growth of sea power and constant immunity from invasion, it ceased to have any vigorous life or any element of compulsion or universality.

"Our first settlers brought with them this militia system, with all its inherent faults. And as in England when that country was being settled by the Anglo Saxons, and was being defended against invasion, the dangers of pioneer settlement made *universal military service a necessity wherever there was a frontier*. But as time went on and the militia continued its vigorous life, in the settled communities it ceased as a practical matter to be either compulsory or universal . . ."

(Page 4): "In the Revolution our first armies which fought the battles of Lexington, Concord, and Bunker Hill, and which besieged Boston, were made up of militia men from the New England colonies . . ."

(Page 7, 8): "During the entire period I have

discussed, while the country relied on the voluntary system, the fact that citizens had an obligation to serve in the armed forces was recognized even though such obligation was never enforced by the Federal Government. *Before and during the Revolution such service had been compelled by the Colonies and States.*"

It was this memorandum which led the writer to the realization that the references to Colonial Statutes were to be found in the Government's brief in the Selective Draft Cases of 1917, for, though the case was familiar, this fact, if previously known, had been forgotten. Captain Furness quotes, except for our inclusion of an additional paragraph and the footnotes, the exact language from that opinion that we have quoted hereinbefore, without recurrence to his.

An annotator (J. B. G.) in 142 American Law Reports 1517 (1943) quotes Adam Smith (+) as voicing the common attitude of the early days toward the militia: "Settlers brought with them the militia idea, that all men joined, in some measure, the trade of a soldier to whatever other trade or profession they happen to carry on".

## 1944

Col. Herman Beukema says in The Encyclopedia Americana, 1944, Vol. VII, under (+) article *Conscription*:

"*American Experience—Each of the original 13 colonies had its organized militia*, counterpart of similar British forces. Massachusetts in 1774 inducted one-fourth of her total militia levy into her organization of 'minute men'. Their status was neither that of conscripts nor volunteers, but something of both. The same uncertainty occurred in the raising of similar levies in the other colonies. *However 'volunteering' usually was placed on a basis suggesting compulsion whenever a colony found itself invaded*. In 1777 both Massachusetts and Virginia resorted to outright conscription, after the bounties offered had failed to supply the necessary quotas. The following year Congress recommended that the States draft men for nine months, with the promise of earlier discharge, if volunteers should come forward in sufficient numbers. Washington repeatedly, and without avail, recommended to Congress provisions for a general draft. The failures, heavy losses. and undue prolongation of the War for Independence. are chiefly chargeable to dependence on the volunteer system of recruitment".



The Encyclopedia Britannica 1944 Edition does not go back of 1777 in its consideration of Conscription in the United States, mentioning the resort thereto of Massachusetts and Virginia in that year. The Encyclopedia of the Social Sciences, 1937, V. II., "Conscription", does not enter the historical period in the American field. So, likewise, the National Encyclopedia, 1945, the World Book Encyclopedia, 1941, the Columbia Encyclopedia, 1941, and the New International Encyclopedia, 1935, do not go back of 1777.

In *The Constitutionality of Peacetime Conscription* by Harrop A. Freeman, pamphlet reprint by Pacifist Research Bureau of an article in volume 31 of Virginia Law Review, 1944—the author lays severe strictures on the opinion by Chief Justice White in the Selective Draft Law Cases of 1917 in respect to its multifarious superlatives. To one who has been confronted with the same facts in extenso whose summations were noticed judicially by this court, these adjectives seem only the natural and justifiable feelings evoked from the preponderance of the evidence. The strictures seem to disclose prejudiced prejudgement on the part of Mr. Freeman, and this should perhaps be borne in mind when considering his other submissions. He says: "The 1940 selective service law might be considered (prior to Pearl Harbor) as peacetime conscription, though there is strong authority in International Law that we were at war prior to October 1940, due to the acts of the President." If he can get rid of the 1940 Selective Service Act as a peacetime measure this implies that no precedent remains. But, short of Supreme Court determination as to the constitutionality of that act as a peacetime measure, the mere fact as to whether it was passed in peacetime or war has only some importance for his inquiry concerning constitutionality. But it has great importance in the question of what American traditions are, for its opponents made much of the contention that it was a departure from them. So, if passed in peacetime as well as being a peacetime measure, then, regardless of constitutionality, this in itself creates tradition. But, and now we come to the point, the historic error of its opponents in 1940, and of Mr. Freeman in 1944, is their assumption that compulsion was not in the American tradition. And when anyone speaks of tradition he must be understood as envisioning the whole, pre- and post-constitu-

tional period, and in this, constitutionality, has no part. Mr. Freeman does not seem to be in any better case when he invokes the "historic", and interpretations thereof (p. 68) to support his construction of the phrase "To raise—armies". For he quotes "the authority on conscription, Capt. Elbridge Colby", to show that "conscription did not exist in 1787", to wit "We must look upon conscription . . . as something characteristically modern . . . occurred for the first time in France . . . September 1798" (Inf. Journal June 1929).<sup>7</sup> But Captain Colby would not have said that militia conscription (as Cutler defines it) did not exist before the revolution, nor that, its core, compulsion, was unknown in the colonies. For Captain Colby says elsewhere (Encyclopedia of the Social Sciences or one of the editions of Encyclopedia Britannica. (?)): "All of the Thirteen Original States, and Vermont, followed this idea (compulsion) in their practice in prerevolutionary days. Nine included specific statements to this effect in their constitutions. It was part of the basic law of the land". Finally the volunteer traditionists are not aided by Mr. Freeman's quotation (p. 71) from the Hartford Convention of 1815 that "The armies of the United States have always been raised by contract, never by conscription" for it is obvious that the Federal Government, not the component States, nor their colonial forebears are meant thereby.

(In connection with the legal aspect above referred to, reference is made to a paper presented before the Joint Army and Navy Conference on Selective Service, War Department, Washington, D. C., December 4, 1934, by Lt. Com. Leslie C. McNemar, USNR (S. S. 011.3 Proposed S. S. Act 12-4-34) typescript, 190 pages, subject: "*Study of the basic legal principles authorizing, governing, and limiting, the creation, organization and administration of selective service throughout the United States for the purpose of supplying the necessary manpower for our armed forces in the course of a major national emergency requiring a maximum of military and economic effort to maintain our national existence*".)

Norman Thomas again (In *Conscription: The Test of the Peace*, January 1944) says: "Conscription in its modern form was begun in defense of the French revolution. But its real father was Napoleon who organized and developed it for aggression." If we are to accept the helpful fivefold classification of Frederick Morse Cutler (in *The History of Military Conscription with especial reference to the United States*, Dissertation, Clark University,

1922, p. 2), Mr. Thomas is technically incorrect, for the French system was “*draft conscription*” (compulsion evadable by substitutes) whereas the modern form is *Selective Service*, which allows no substitutes. But there is a greater error in the implications of Mr. Thomas’ statement. For it has been compulsion (The core of Militia Conscription, Draft Conscription, and Selective Service Conscription) especially in peacetime, which Mr. Thomas has consistently inveighed against since 1940 and before. And compulsion, as Mr. Cutler recognized (*Ibid*, p. 36) existed throughout the American Colonies from the earliest times, in the form of *Militia Conscription*, and it was repeatedly enacted in peacetime when no hostilities were imminent. Hence the implication of this latest contribution from Mr. Thomas that peacetime compulsion is a departure from American traditions provides another example of misinformed opinion which needs to be corrected, if it is not again to be harmful.

## 1945

“The history of military training in Pennsylvania . . . is the story of two parallel systems—the universal compulsory militia and the volunteer companies. In 1783 every able-bodied male white person between 18 and 53 was enrolled in the militia. . . .”—From a copy of article (1945) supplied by HENRY W. SHOEMAKER, *State Archivist of Pennsylvania*. (+)

In the pamphlet entitled “Compulsory Military Training in Peacetime” by Mr. Lewis Williams, Reference Files Section, Legislative Reference Service of the Library of Congress, mimeo, 29 pp., Jan. 1, 1945, Chapter II is devoted to “Statements opposing its adoption.” Here we find:

(Page 12): “. . . (d) that a law making such sweeping changes in our national policy should not be passed . . .”—HENRY I. HARRIMAN, (*Chrmn, Am. Council of Education to study Compulsory Military Training*). (—)

(Page 15): “. . . Conscription is inconsistent with true liberty . . .”—NORMAN THOMAS. (—)

(Page 16): “. . . Throughout our history in this country we have had a unique and enormous advantage in not having all our young men spend one or more years in uniform and drill at the behest of the Federal government, . . .”

(Page 17): “. . . (4) The American Military trad-

ition . . . our American democratic tradition is strongly set against a large standing army . . .”—*Joint statement, Mar. 13, 1944*, (—) of Educational Policies Commission of the National Education Association and the American Association of School Administrators, and the Problems and Plans Committee of the American Council of Education.

(Page 19): “Since adoption of a permanent universal military training program involves a fundamental departure from our traditional policy . . .”—*Y. W. C. A. Public Affairs Committee, May 24, 1944*. (—)

In *Peacetime Conscription Pro and Con* by F. M. Brewer, Editorial Research Reports, Vol. II, 1945, Wash., D. C., he says: “Defense forces organized by the American Colonies closely resembled the early British Militia. *Service was to all intents and purposes compulsory* but it was locally controlled.” (+)

In *Conscription Is Not The American Way*—a group discussion by 11 Catholic Educators (pamphlet, The America Press, N. Y., 1945), (—) of John Carroll University, Cleveland, Ohio, it is stated (p. 6) that “This Country has never had a conscript army in peacetime, unless, perchance, the Selective Service Act of 1940 can be said to have constituted such. But even that act was passed when we were already covered by the lengthening shadow of war, and it was passed for five years only. With such preparation for a pending war there can be no quarrel. *The statement still holds true that in adopting a program of permanent, compulsory, peacetime military training Americans will be breaking with long tradition.*”

Let us rather say the enactments herein displayed evidence a tradition long existing, but long forgotten by a lot of people.

In *The case against Compulsory Peacetime Military Training* by Roscoe S. Conkling (pamph, Post War World Council, March 1945) (—) We have another example of obliviousness to the existence of numerous statutes in the colonies, passed in peacetime for preparedness when hostilities did not threaten. He examines the statements of General Marshall of September 1st, 1944, including the one saying citizen soldiering “is traditional in the United States, and needs only to be perfected to serve the needs of the country.” Colonel Conkling says of these statements (+)



by General Marshall: "The affected ingenuousness of those statements instantly punctures the trial balloon, and must put all on guard against dissimulation if not outright deceit. True, citizen soldiers have always fought the wars of the United States, but our tradition insists that, 'to serve the needs of the country' citizens be trained and 'perfected' in the warriors art only when hostilities threaten or we are at war, not year in and year out during all peacetime. It is astonishing that the word 'tradition' was ever permitted to show in the directive of the Chief of the General Staff, for his scheme positively antagonizes and would destroy an American tradition which has prevailed since our Republic was founded. Calling the thing Universal Military Training in no way changes the fact that with it we shall, each year, have an active standing army composed of perhaps, 1,500,000 youths plus the 'professional organization' (which we call the regular army) of probably 500,000 to 1,000,000."

Evidently General Marshall's reading in military history was so wide that it included the few correct summaries extant of colonial enactments, whereas Colonel Conkling has but engaged in this national pastime of venturing, ad lib, in a domain in which it was unlikely anyone would attempt the laborious harvest.

In his new role as Secretary of State, General Marshall remains steadfast in his views on this aspect of the national defense, but shows himself confirmed therein, as doubtless derived from a new, if not closer, contact with world potentials.

In "The Conscientious Objector and the Law", John Day, N. Y. 1945, Mr. Julien Cornell recognizes (p. 90) that "the state has long (+) assumed the power to compel its citizens to serve, involuntarily, on juries and in the militia. It was not so long ago that Colonial towns saw all able-bodied men between 18 and 45 drilling on the green once a week. This service was compulsory, and necessary to preserve the State from attack. But the right of the State to compel such service was never in question . . . Every able-bodied male citizen of military age, by laws which are centuries old, owes a duty of military service to the State, which need not compensate him therefore. This is called militia service."

And now we will see how thoroughly the Congress has considered universal military training since World War II,—first *in principle* in the hearings of June 1945, and then in the form of legislation in Nov.—Dec. 1945,

## HOUSE SELECT COMMITTEE HEARINGS, JUNE 1945

The recent Hearings before The Select Committee on Postwar Military Policy, House of Representatives, 79th Congress, 1st session, on the subject of Universal Military Training, June 4-19, 1945, 614 pp., Wash. Govt. Prtg. Off., again affords evidence of the widespread fallacy that compulsion is not in the American tradition, with a few individuals constituting exceptions in that they hold the correct conclusion that it is not a departure, albeit, as usual, these persons, too, do not adduce specifications.

### *Correct Conclusions*

This committee was appointed pursuant to H. R. 465, 78th Congress, 2d Session, and H. R. 55, 79th Congress, 1st Session, and consisted of: Clifton A. Woodrum, Virginia, Chairman, Andrew J. May, Kentucky, Carl Vinson, Georgia, Schuyler Otis Bland, Virginia, Patrick H. Drewry, Virginia, Alfred L. Bulwinkle, North Carolina, R. Ewing Thomason, Texas, J. Buell Snyder, Pennsylvania, Harry R. Sheppard, California, Lyndon B. Johnson, Texas, Overton Brooks, Louisiana, John J. Sparkman, Alabama, Michael J. Bradley, Pennsylvania, Walter G. Andrews, New York, James W. Wadsworth, New York, Leo E. Allen, Illinois, D. Lane Powers, New Jersey, James W. Mott, Oregon, Dewey Short, Missouri, Leslie C. Arends, Illinois, Sterling Cole, New York, George J. Bates, Massachusetts, Bernard W. Kearney, New York, Betty Fox, Clerk.

The committee issued its report of four pages (No. 857) to the 79th Congress, 1st session. This report is a model of condensation of the (+) essentials. On page 3 the committee shows that it is enlightened on our subject matter when it says: "*Such a plan is in accordance with our best traditions.*"

(Pages 245-252)—(p. 251): "I do not hesitate to express the conviction that peacetime universal military training is thoroughly democratic and that it is in line with our fundamental and traditional policies when properly understood . . . (p. 252) The claim that it is un-American or revolutionary again is without foundation."—ARTHUR L. WILLISTON, Dedham, Mass. (+)

(Pages 262-266)—(p. 265): "There is nothing revolutionary about such a plan. . . ." Brig. Gen. ALBERT L. Cox. (+)

(Pages 266-270)—(p. 269): "The oldest (+)



Saxon custom carried out in England until William the Conqueror arrived was that every individual man not only had to serve any time he was asked to serve, but he had to provide his own arms and equipment.”—*Brig. Gen.* HENRY I. REILLY.

(Page 377): “Universal military training is fundamental to our American system of government.”—Dr. S. V. SANFORD, *Chancellor*, (+)  
*University System of Georgia*.

(Page 482): “In the Revolution the two largest American States, Massachusetts and Virginia, were as early as 1777 compelled to resort to a draft of fighting men.”—HENRY L. STIMSON, *Secretary of War*. (+)

(Page 559): “The idea of compulsory universal military training is neither new nor foreign to the United States.”—Gen. A. A. VANDEGRIFT, *Commandant, U. S. Marine Corps*. (+)

### *Erroneous Conclusions*

(Pages 77 to 83): The statement of Dr. Harrop A. Freeman, of William and Mary College, Williamsburg, Va., was delivered by Theodore Paullin, assistant Professor of History, Swarthmore College, Swarthmore, Pa. Dr. Freeman refers to his article in the December 1944 Virginia Law Review (already noticed herein), summarized in April 1945 American Bar Association Journal, a study on the type of military establishment authorized by the United States Constitution, and expresses the belief that it is the only complete study available. But there must be mentioned in this connection, among others, *The Constitutionality and Operation of Certain Phases of the Selective Service System* by Milton I. Baldinger, Thesis, Georgetown University, Wash., D. C., 1941; the opinion and 2 volumes of briefs in the *Selective Draft Cases*, (1917), 245 U. S. 366; *National Defense, It's Legal Aspects*, U. S. W. D., G. S., Pub. Rels. Brch., 1930; paper by Lieutenant Commander McNemar, *supra*; and Chapter XVI, “Has Congress Power To Compel Peace Time Military Training” in *Universal Military Training* by Edward A. Fitzpatrick, Sept. 19, 1945, N. Y., Whittlesey House, McGraw Hill. See also for other works Chapter 8. B. (pp. 89-92) *Legal Aspects* (by Anady Marchant, American Law Section, Law Library, Library of Congress) in the bibliography compiled by Frances Cheney of The Library of Congress General Reference and Bibliography Division, entitled “Universal Military Training: A Selected and Annotated List of References”,

Wash., March 23, 1945, 138 pp. mimeo., in which reference to former bibliographies on the subject is included. The compiler estimates Mr. Freeman's article to be in the nature of special pleading. In contrast, she estimates as “a comprehensive discussion” the article by Claude B. Micklewalt, *Legal basis for Conscription*, in American Bar Association Journal, Sept. 1940, v. 26: 70-705, same In Cong. Rec. (daily ed.) Sept. 9, 1940, v. 86: 17939-17941, who concludes, in opposition to Mr. Freeman, that peacetime conscription is as valid legally as wartime conscription. Mr. Freeman's conclusion (p. 77, House Select Com. Hearings, Ibid) was that: “The Federal Government cannot conscript the general manpower of the country for training in peacetime (except possibly in immediate anticipation of approaching war)”.

Our subject matter is not constitutionality, although it is difficult to restrain one-self from answering the arguments made in that connection by Mr. Freeman. Fortunately the next witness (Mr. Archibald G. Thacher, New York City, pp. 83-89) has done that job consummately. Incidentally, there are a number of other prize winning demolitions and salutary orientations that Mr. Thacher perpetrates, but they are not within the narrow confines of our subject, and the interested reader must seek them out for himself. Yet there are certain other statements made by Mr. Freeman which require comment. He goes along with Prof. Edwin Merritt Dodd of Harvard (pp. 77, 78) in favoring liberal legal reinterpretation by the courts in such domains as interstate commerce, police power, and delegation of legislative power. But in such domains as treason, or in the relation of military to civil, he says the approach must be chiefly historical. Though he devotes a considerable paragraph to the recent case of treason, *Cramer v. U. S.* (65 Sup. Ct. 918), he could not have read the appendix to the brief in that case, for it is a monumental exemplar of reinterpretation (elasticity, growth, and change) in that conception. Interpretative shifts by courts cannot be limited to the domains he favors, but must extend to all domains wherein progress compels; and the modern changes in warfare compel in the Defense domain.

Mr. Freeman cites one of the grievances set forth in the Declaration of Independence namely “He has kept among us, in times of peace, Standing Armies”. But it was not the standing army in peacetime that the American Colonists objected to, for they had their “Common” as well as “Volunteer” militias in training in peacetime; it was the imposition, from above, of

the foreign professional army which they held as a grievance. (See Louis W. Statesbury on this, in *The Reference Shelf*, vol. 14, no. 6, as herein quoted.)

Finally the chief statement by Mr. Freeman (p. 81) that pertains strictly to our inquiry,—what we have called “erroneous conclusion”,—is lodged in the words: “Assuming that it is decided that America should abandon her *historically unbroken record* and conscript its youth in peacetime ———”. (NOTE: He says America, not the United States.)

(Pages 91 to 107): Mr. A. J. Brumbaugh, (—) vice president, American Council on Education, representing 110 national and regional educational associations, 719 universities, etc. etc., gave as one of the reasons for the opposition of its Committee on Problems and Policies (March 1944) to universal military service that: “the proposal was in conflict with the American Military tradition.”

On pages 103 to 105, Mr. Brumbaugh engaged in a lively exchange with Mr. Wadsworth, M. C., N. Y., in which the former contended universal military service was conscription.

(Pages 108, 110): “. . . Peacetime Military conscription is not . . . the American way . . . although compulsory military training in peace time would be a radically new idea in the United States . . .”—

DR. WILLIAM J. MILLER, *The Michigan Council to Oppose Peacetime Military Conscription*. (—)

(Pages 119, 120)) “4. It is not American . . . Compulsory peacetime universal military training would transform our American life”.—

DR. GOULD WICKEY, *Executive Secretary, National Commission on Christian Higher Education of the Association of American Colleges*. (—)

(Page 135): “Our whole American tradition is against conscription”.—MARK WISEMAN, *Commander, Willard Straight Post, American Legion*. (—)

(Pages 143-145)—(p. 145): “Proposal so foreign to American policy and principle as adoption of permanent peacetime conscription for military or national service” (Disciples of Christ) . . . (p. 146): “It has been the cherished tradition in America for 150 years that military conscription should not be imposed upon the people in peacetime” (Conference of American Friends) . . . (p. 152): “A decision to adopt compulsory peacetime military training would bring about far-reaching changes in American life” (Detroit Council of Churches).—DR. HERBERT J. BURGSTALLER, *Federal Council of Churches of Christ in America*. (—)

(Pages 158-161)—(p. 160): “4. Peacetime military training would be such a radical departure from American traditions”.—HUBER F. KLEMME, *Commission on Christian Social Action of the Evangelical and Reformed Church*. (—)

(Pages 227-232)—(p. 227): “No nation has ever practiced conscription and competitive militarism except with a view to specific potential enemies . . .” (p. 231): “For the United States, with its long record of opposition to conscription in peacetime. . . .”—NORMAN THOMAS, *Postwar World Council*. (—)

(Pages 241-244)—(p. 241): “While this proposal does mean a revolutionary change in historic American policy.”—DR. EDWARD C. ELLIOTT, *President, Purdue University, La Fayette, Ind*. (—)

(Pages 270-273)—(p. 272): “. . . such a radical departure from our traditions as would be involved in the adoption of peacetime conscription.”—DR. CHARLES CLAYTON MORRISON, *Editor, Christian Century, Appearing on behalf of Chicago Committee to Oppose Conscription*. (—)

(Pages 281-287)—(p. 282): “Besides, conscription is contrary to the democratic principles that have made our country great”.—MRS. CHARLES D. ROCKELL, *Royersford, Pa., National Educational Chairman of the Women's Guild of the Evangelical and Reformed Church, Vice President of the Philadelphia Synodical Woman's Guild*. (—)

(Pages 287-289)—(p. 287): “Our country was settled by people who had fled from the old world practices both in the curtailment of religious freedom and compulsory military training . . . England who never instituted military training for her young men in peacetime.”—MRS. JOHANNA M. LINDLOF, *Member, Women's Committee to Oppose Conscription*. (—)

(Pages 296-303)—(p. 302): “The apparent sentiment for departing from American preparedness . . . radical departure from a system of government that has been our sound foundation in all history.”—HON. JOSEPHUS DANIELS, *Former Secretary of the Navy, Editor of the News and Observer, Raleigh, S. C*. (—)

(Pages 325-328)—(p. 325): “We have not had it as a nation. It is contrary to the genius of America.”—DR. DANIEL L. MARSH, *President, Boston University*. (—)

(Page 331): “Forced service is a concept that is alien to everything our country has ever stood



for.”—WALTER JOHNSON, *Chairman, National Legislative Committee, Military Order of the Liberty Bell.* (—)

(Page 361): “Whereas peacetime military conscription is a violation of American tradition.”—H. W. BROWN, *President, International Association of Machinists.* (—)

(Page 369): “1. Whereas peacetime conscription represents a fundamental change in the American way of life.”—REV. KENNETH L. PATTON, *Madison Council of Churches, Wisconsin Northern Baptist Convention.* (—)

(Page 371): “The proposed policy is, in our judgment, a reversal of American tradition in education.”—DR. PAUL H. BOWMAN, *President, Bridgewater College, and Vice Chairman of Brethren Service Committee.* (—)

(Page 383): “An effort is being made to change our historic national policy and adopt one of compulsory military training.”—FRED BAILEY, *Legislative Counsel, The National Grange.* (—)

(Page 387): “Peacetime military conscription, then, is not only un-American and unpatriotic. . . .”—EDWARD C. M. RICHARDS, *Representing the War Resisters League in Opposition to Peacetime Conscription.* (—)

(Page 392): “6. It is a denial of democracy and a step backward from traditional American Freedom” (North Dakota Farmers); (p. 393): “First. Peacetime conscription always has been repugnant to the American people” (National Farmers).—RUSSELL SMITH, *Legislative Secretary, National Farmers Union.* (—)

(Page 396): “. . . alien to and hostile to the American tradition and spirit.”—HOMER E. WOODBRIDGE, *Representing Middletown Committee Against Wartime Passage of Peacetime Conscription.* (—)

(Page 415): “It has not been shown that such a wide departure from traditional American policy is necessary” (Hartford (Conn.) Times).—VINAL H. TIBBETTS, *Representing American Education Fellowship.* (—)

(Page 475): “4. *Not traditional policy: It is true that America has never had it. But America has never faced such a postwar world, with the realistic conglomerate power of aggressive atheistic communism. . . .*”—CARL MCINTIRE, *Vice President American Council of Christian Churches.* (—)

(Page 497): “The proposal is something new in

American life.”—BRIG. GEN. LUTHER MILLER, then *Acting Chief of Chaplains, War Department.* (—)

(Page 509): “It has been argued that universal training is contrary to the tradition and spirit of America, that many came to these shores to escape universal service in Europe and to be free from the systems of military caste. This is true, but universal military service in Europe was under dictatorship; it was imposed from above; it was of the divine right of Kings.”—DANIEL A. POLING, *Editor, Christian Herald.* (—)

(Page 604): “The traditional American way—the way of absence of governmental compulsion.”—HON. JERRY VOORHIS, *Representative in Congress from the State of California.* (—)

Another late book on *Peacetime Conscription* is one of the compilations of Julia E. Johnsen, *The H. W. Wilson Co., N. Y., Aug. 22, 1945, Vol. 18, No. 4 of The Reference Shelf.* The contributions therein whose subject matter covers our field of inquiry fall in three classes, as usual, namely, 1st, those that contain erroneous statements that compulsory training in peacetime is a departure from American traditions (and their quotation here serves to show how abiding and widespread is this misconception); 2nd, those that contain statements recognizing that it is within the American tradition (and the almost universal failure of these to cite examples indicates the lack and need of a collection making them available); 3rd, those which do not advert to the point at all but nevertheless undertake to supply historical background (again indicating that lack and need).

### *First—the Erroneous*

In *Military Training* by Lewis Paul Todd, Danbury Teachers College, he says: “But, although American citizens have accepted Universal Military service in wartime, they have never, with the single exception of the critical months from 1940 to 1941, shown any willingness to accept such service in times of peace.” (—)

In *National Service and Compulsory Military Training* by Sidney B. Hall, Director University Extension, George Washington University, Social Science, 20: 83-92., April 1945, one of the “unfavorable” arguments given in a “Summary of the Arguments for and against Compulsory



National Service" is given as: "1. It is foreign to the American Ideal."

In *Statement of Educational Policies Commission and Problems and Plans Committee* (of National Education Association and American Council on Education, respectively, March 13, 1944) it is said: "our Anglo-Saxon democratic tradition is strongly set against a large standing army . . . We see great danger in any unnecessary break with our tested democratic tradition respecting compulsory military service in times of peace." (—)

Thomas Woody, University of Pennsylvania, Philadelphia (Social Studies 56: 191-6 May 1945) mentions France and Germany as establishing the pattern of compulsory service in 1793 and 1806, respectively, but makes no mention of American examples prior to that time, either Colonial or Federal. That he is unaware of them is shown by his later statements: "In defense of the present proposals it is sometimes asserted that compulsory training is in harmony with American tradition. The argument of 'harmony', however, is obviously weak. Washington and Knox did recommend a compulsory system, to be sure, but it was turned down by Congress, and the principle has been shunned consistently by the American people . . . It is argued, furthermore, that conscription is the embodiment of liberal democratic principles, even though American citizens have been loathe to accept the practice." (—)

The Rev. Edward V. Stanford, O. S. A., M. S., LL. D., Augustinian College, Washington, D. C. (National Catholic Educational Association Bulletin. 41: 17-25. February 1945), says: "It does violence to the meaning of words, whether in war or in peace, to call military conscription (the favorite tool of dictators for more than a hundred years) the *more democratic method* of raising armed forces . . . peacetime military conscription is not . . . the American way. . . . Although compulsory military training in peacetime would be a radically new idea in the United States. . . ." (—)

In *Compulsory Military Training in Peacetime Will Destroy Government by the People*, Mr. Robert M. Hutchins, Chancellor, The University of Chicago (Colliers. 115: 15, 27, June 9, 1945), says: "Militarism and democracy have always been opposed in history. . . . The proposal to fasten universal military training on the United States is a militaristic proposal. . . . It is an antidemocratic proposal." (But see Cutler, *infra*, last par., p. 87.) (—)

Senator Robert A. Taft, of Ohio, in an address delivered at Gettysburg National Cemetery, May 30, 1945 (Cong. Rec., 91: (daily) A 2814-16, May 31, 1945), says: "Military conscription is essentially totalitarian. It has been established for the most part by totalitarian countries and their dictators, led by Napoleon and Bismarck. . . . It is against the fundamental policy of America and the American nation." (—)

In *Universal Peacetime Conscription*, Mr. Albert G. Parker, Jr., President, Hanover College (Christian Education, 28: 164-8, March 1945), says: "The nation has never taken such a drastic action outside of the necessity of war." (—)

In *Peacetime Conscription for Military Service*, Mr. Joseph W. Martin, Jr. Representative from Massachusetts (Cong. Rec., 91: (daily) A 3808, July 18, 1945), says in a resolution which he introduced: "whereas compulsory military service . . . has been contrary to American tradition since the founding of our Republic." (—)

## *Second—the Correct Conclusions*

In *A Citizen Army*, by Brig. Gen. John McAuley Palmer, U. S. A., he says: "General Marshall is not proposing anything new. He is simply directing his planners to make a modern adaptation of the plan which President Washington submitted to the First Congress in January 1790, as one of the essential foundations of the new American Republic." (+)

In *Future Manpower Needs of the Armed Forces*, by Maj. Gen. William F. Tompkins, U. S. A., (Annals of the American Academy. 238: 56-62, March 1945), he says: "The proposed American system of Universal Military Training is in fact a modern adaptation of the democratic military system which President George Washington proposed to the First Congress *before any of the European conscript systems were established or even thought of*." (+)

In *Compulsory Military Training* by Charles Seymour, President, Yale University (Educational Record. 26: 9, 16. January 1945), he says: "In all humility I submit that those who characterize universal military training as 'un-American' should reread our history and ponder our American political philosophy. Of all methods of military defense it is the one closest to the democratic ideal. Similar historical study should be urged upon those who oppose universal military training on the ground

that it would create a military 'caste' or tend to 'militarize' the attitude of our youth. . . ."

### Third—the Inadvertent

In *Historical Background from Conscription for Military Training Pro and Con*, Information Service (Federal Council of the Churches of Christ in America) 23: 1-2. November 11, 1944, the American experience before World War I is unnoticed. What notice thereof there is in *Training for Military Service* by Lt. B. N. Harlow, of the War Department Bureau of Public Relations, is fragmentary, and gives the impression that voluntary recruitment had been the exclusive method before the revolution. Moreover, his statement of the traditional opposition to large standing armies as inimical to democratic institutions is not properly predicated as having been true only of those forced upon the colonists by the British King. (O)

In *Universal Compulsory Military Training in Peacetime* Paul H. Bowman, president Bridgewater College (Christian Education. 28: 160-4, March 1945), includes a short paragraph review of the adoption of compulsory military training with no mention of the American history, Colonial and Federal, in that field. (O)

Col. Edward A. Fitzpatrick does not cover the prerevolutionary period of American history in his *Conscription and America: a study of conscription in a Democracy*, Richard Pub. Co., Milwaukee, Wis., 1940. But he does voice his knowledge that compulsion was traditional in his late and admirable book *Universal Military Training* (a discussion of the problems of conscription).<sup>1</sup> He says in his chapter VI, Volunteering and Conscription in American History: "The notion that the volunteer is the great reliance of the American people in their defense in wartime has persisted in all our wars and in what is often claimed by orators to be a great American tradition. This notion persists and was stated, often extravagantly, in 1940 in the debate on the Selective Service bill. . . . It will be well therefore to examine, even superficially, our military history and to discover the facts in order that the record may be set straight . . . The Revolutionary War has pleasant associations. We think of it as a spontaneous voluntary movement . . . The

<sup>1</sup>Whittlesey House, McGraw Hill, N. Y., September 20, 1945.

facts are otherwise . . . at no time during the war did the actual number of its volunteers exceed two-thirds of the authorized strength despite the bounties . . . "Summary of our Experience: Even a superficial view of our military history will make clear certain conclusions of fact and policy, which we state. Volunteering, even in nineteenth-century wars, was never successful in numbers or when needed. 1. We never relied on a purely volunteer system. 2. We relied on extraneous means to promote enlistments by bounties and other rewards. 3. We engaged in great ballyhoo, stimulating volunteering by entirely extraneous motives and by social pressure and approvals. 4. Conscription was apparently primarily a means to force enlistment, which in such cases was not voluntary at all but prudential—and with the bounties often mercenary. 6. The conscription was apparently based on the militia system—the individual's liability to serve. . . ."

Full recognition of the compulsory tradition is afforded by chapter V, The Citizen Army and the Militia, which is valuable for its compilation and comments on the outline and conclusions of the world history and the American history of compulsion. The pertinent parts of this chapter are not reproduced here as the book itself is newly available in the bookstores, and the chapter should be read in full. Exception is taken to the statement on page 123 that Washington's select corps "was really a volunteer rather than a conscripted group." Washington's plan, as communicated to the Senate on January 21, 1790, provides: "Fourthly, that every man of the proper age, and ability of body, is firmly bound, by the social compact, to perform, personally, his proportion of military duty for the defence of the State" and "Fifthly, That all men of the legal military age, should be armed, enrolled, and held responsible for different degrees of military service."

Again, on the same page he says: "The effort to make Washington the Father of our contemporary military ideas is somewhat too strenuous. Why don't we just leave him 'the Father of our country', and let it go at that?" The reason is that the least one can vouchsafe a Father is to give him credit for an injunction which his offspring have not heeded, much to their past detriment, and are only now again being urged to heed.

Again, although he recognized "militia" in various places with the meaning either of one of the two bodies which had actually existed (the volunteer militia or the common militia) or of the theoretical body



envisaged by basic laws (e. g. able-bodied white male citizens, 15 to 60), nevertheless, these distinctions are not observed consistently, which is the usual trouble in this connection. For example, on page 130 he says: "This attitude of criticism toward the militia has been explained by an apologist for Washington as applying only to an untrained militia and not to a trained and disciplined militia. This is obviously so, but it is begging the question. The militia, in a strict sense, has always been untrained throughout our history and is untrained today." The exact language here is not excepted to. The point which needs, however, to be made clear is that the statutes, here compiled, show that a common militia was created in each colony from the earliest times to the Constitution, and training in peacetime was provided for it with elaborate fines, amercements, distrains, exemptions—prescribed, and enforced. To what extent training resulted is not within our inquiry. From what one can gather it was "spotty" both by colonies and periods. No doubt the corollary is that when the contingent was well trained and disciplined Washington did not condemn it.

Elsewhere Colonel Fitzpatrick wisely points to the recent tactics of delay employed by the opponents of Universal Military Training, quoting Mr. Forrestal as saying "we are swift to forget," and one of the weekly journals as saying: "Unless conscription in time of peace becomes a fixed policy soon, it is unlikely to become a policy at all." But, lo and behold, since then, with the advent of the atomic bomb, the opposition to universal military training ceases to temporize in urging delay until a calmer time, and becomes a group of military and naval experts in their assertion that this bomb renders trained armed forces obsolete. One suspects that an inner Pacifist fixation abides through these changes of front, as the real reason for their opposition.

So far as appears from the names and titles of the 54 leaders in American Civic life (—) who signed an open letter of September 4th, 1945, from Mr. Norman Thomas, chairman of the Post War World Council, to President Truman, none of the signatories are military or naval authorities. They oppose Universal Military Training, in any form, due to the advent of the atomic bomb. In the fifth principle stated in that letter it is said that conscription "has always been tied psychologically and practically to war, not peace."

It is not naively conceived that those who have mistakenly asserted that the heritage of American tradition is voluntary and not compulsory service rely upon this baldly as a precedent which should be observed for its own sake. Rather, it is recognized that it is implicit in their attitude that, in that great period of battling for and preoccupation with the concepts of liberty and democracy, if a proposed establishment had been confronted, found inimical to political and social institutions, and rejected—then this is at least a good argument against departure from such established policy. And so we frequently meet this implicit nub of argument explicitly presented and often shorn of its guise of precedent and offered in principle—yet the two, as we see from the parade of assertions, are more often linked. The argument in principle was met by President Truman in his address on universal military training (+) to the joint session of the Congress on October 23, 1945 (N. Y. Times p. L. 3 column 5). In this connection he said:

"The argument has been made that compulsory training violates traditional American concepts of liberty and democracy, and even that it would endanger our system of government by creating a powerful military caste.

"The purpose of the program, however, is just the contrary. And it will have just the contrary result. The objective is not to train professional soldiers. It is to train citizens, so that if and when the Congress should declare it necessary for them to become soldiers, they could do so more quickly and more efficiently. A large trained reserve of peace-loving citizens would never go to war or encourage war, if it could be avoided."

Incidentally, the President's second paragraph above quoted, is a pleasant echo of that citizenry-establishment, advocated to the Congress by the first President in 1790, but not heeded then, nor since then.

#### HOUSE COMMITTEE, MILITARY AFFAIRS, 1945

The following is taken from Hearings on Universal Military Training before the Committee on Military Affairs, House of Representatives, 79th Congress, 1st Session on H. R. 515 "an act to provide military or naval training for all male citizens who attain the age of 18 years and for other purposes." Part II., November 8 to December 19, 1945:



COMMITTEE ON MILITARY AFFAIRS  
SEVENTY-NINTH CONGRESS

ANDREW J. MAY, Kentucky, *Chairman*

R. Ewing Thomason, Texas	Dewey Short, Missouri
Overton Brooks, Louisiana	Leslie C. Arends, Illinois
John J. Sparkman, Alabama	Charles E. Clason,
Paul J. Kilday, Texas	Massachusetts
Carl T. Durham,	J. Parnell Thomas,
North Carolina	New Jersey
Clifford Davis, Tennessee	Paul W. Shafer, Michigan
John Edward Sheridan,	Thomas E. Martin, Iowa
Pennsylvania	Charles H. Elston, Ohio
Robert L. F. Sikes, Florida	Forest A. Harness, Indiana
Philip J. Philbin,	Ivor D. Fenton, Pennsylvania
Massachusetts	J. Leroy Johnson, California
Paul Stewart, Oklahoma	Clare Boothe Luce,
Arthur Winstead, Mississippi	Connecticut
Chet Holifield, California	Joseph R. Farrington, Hawaii
James A. Roe, New York	E. L. Bartlett, Alaska
Melvin Price, Illinois	Jesus Pinero, Puerto Rico
Walter G. Andrews,	
New York	

JULIA WATTERSON, *Clerk*

HON. ROBERT P. PATTERSON, SECRETARY OF  
WAR

(Page 4): "The War Department is in full accord with the President's conclusion that (+) the only way, *consistent with our American traditions* and our financial capacity, to keep in readiness an adequate force of trained men is through a relatively small standing Army, Navy, and Air Force, backed up by a *democratic system of Universal Military Training*. . . . (p. 8): The third advantage that Universal Military Training has over maintenance of a large standing Army is that *it strengthens our democratic traditions* . . . (p. 12): *In accordance with American tradition*, Universal training places the burden of national defense where it belongs, equally upon all young men, regardless of class or station . . ."

Mr. SHORT (p. 15): "But you think that it (-) is necessary now for us to adopt the European philosophy of universal military training?"

Secretary PATTERSON. "I do not call it the European philosophy".

Mr. SHORT. "It is. *We have never had it and Britain has never had it*. . . . A voluntary army is the best army on earth."

Secretary PATTERSON. "I do not know about that . . . if you mean that they are not free under a system of universal training, of course, I do not follow you there. *The United States found it impossible to rely on a voluntary army in its major wars*."

Mr. SHORT (p. 16). ". . . it is compulsion and that is repugnant to free men."

Mr. HARNES (p. 42). "Do you not think, Judge, it might be well if we delayed the determination of *this more or less American revolutionary program*. . . ." (-)

GENERAL OF THE ARMY DWIGHT D. EISENHOWER

(Page 60): "The *most democratic way* to do this is by *universal military training*, in which (+) every able-bodied young man is fitted to discharge his duty to protect our freedom. *This has been the ultimate solution in every major military crisis this country has faced*. The only difference now, and the great lesson of World War II is that it must be done before, not after, the first shot is fired . . . (p. 61): I sincerely believe that the only practicable way to assure the national security is by peacetime military training and that this must be universal . . ."

Mr. SHAFER (p. 80). "General Eisenhower. . . . The people of the Nation, (-) however, are asking many questions relative to this proposed program as a *radical departure from what we have had in the past*. . . ."

Mr. MARTIN (p. 82). "The period in which the training program has its greatest value, then, is in the immediate period following an attack that might be made on our Nation?"

General EISENHOWER. "I should say so; yes, sir."

Mr. MARTIN. "And with the development of the atomic bomb, the immediacy of the thing is only intensified?"

General EISENHOWER. "That is the way I feel about it." . . .

Mr. MARTIN. "*Then this criticism of a military training program as a means of heading us toward militarism or aggressive-mindedness is pretty much discounted by your observations?*"

General EISENHOWER. "Yes, sir. . . ."

(Page 87): Mr. PRICE. "General, many of the opponents of the proposal for universal military training refer to it as *an un-American proposal*. I just want to point out and make the observation that you are among those who were the earliest advocates of universal military training namely, George Washington and Thomas Jefferson."

General EISENHOWER. "I am glad to find myself in such wonderful company" [Laughter].

MRS. LULA E. BACHMAN, PRESIDENT,  
NATIONAL ASSOCIATION OF WOMEN (+)  
LAWYERS

(Page 129): "I would like to submit for the record a statement by Dr. Mary Earhart, who is assistant professor of political science at (+) Northwestern University."

(The statement referred to is as follows): Statement on Universal Military Service by Dr. Mary Earhart, assistant professor of political science, Northwestern University.

"... (p. 130): *"It is incorrect to say that the adoption of peacetime military service is an abandonment of the traditional ideals of the American people. On the contrary it is a return to these democratic ideals. The historic record of this country shows that in our colonial period every able-bodied man and boy rendered compulsory militia service to his community."*

Mrs. BACHMAN. I would also like to submit for the record the statement of Brig. Gen. Roy F. Farrand, who is the president of St. John's (+) Military Academy, Delafield, Wis.

(The statement referred to is as follows): Notes on Universal Military Training by Brig. Gen. Roy F. Farrand, president, St. John's Military Academy, Delafield, Wis.)

... (p. 131): "One of the stock arguments used by the opponents of the Universal Military Training idea is that it is un-American, but in my belief *that claim is not supported by the facts*. If these people would go back into our history to pre-revolutionary times they would find that *from the landing of the first Colonists until the Revolutionary War, our forebears had universal military training and service*. During that period all or part of the colonists were under constant threat of attack by the Indians. *Their common sense answer to that threat was the establishment of a militia company in every community, urban or rural, to which every able-bodied male citizen was required to belong*. It is a historical fact also that George Washington recommended the establishment of such a system as the Military Establishment of the United States of America; that he recommended such a system repeatedly in his messages to Congress as did also Thomas Jefferson . . ."

MRS. ERNESTA BARLOW, VICE PRESIDENT,  
CITIZENS' COMMITTEE & NATIONAL WOMEN'S  
CHAIRMAN

... Mr. SHORT (p. 142). "You have a strong

argument in support of my position. *We have not had universal military training in this country up to this time, in peacetime*. And because we have never had it, and have always refused the European philosophy of peacetime conscription or of universal military training is the reason that we do not have militarism in this country. But if we do adopt *this system, that is contrary to all our traditions*, you will find that in the future we will have militarism."

Mrs. BARLOW. "Mr. Short, you are asking a question, you are not proving anything. Neither can I prove my position. We cannot just add two and two and make four; there is no certainty in this matter."

"But I think we have a great deal of faith in this country, the people have, that we will not become militaristic. As I said, after we had built up huge armies and navies, all they wanted to do at the end of the war was to get home. It is just my personal conviction that you cannot make a militaristic nation out of us, out of the United States. I think we have really proved that."

Mr. SHORT. "*We have not had universal military training* and that is the reason why we are not militaristic."

Mr. JOHNSON. "Will not a free ballot prevent us from becoming militaristic?"

Mrs. BARLOW. "I do not think there is the slightest chance of our becoming militaristic. I would rather take General Eisenhower's word on that, with all due respect, than Mr. Short's who is not a military man, I am sure through no fault of his own. I feel those men who have been closely concerned with the Army and the Navy would know whether it would make militarists out of us or not."

HON. JAMES W. WADSWORTH, M. C., (+)  
N. Y.

(Page 155): "The term 'conscription' has been used by opponents of this proposal far and wide over the country. There is no justification whatsoever for the use of that term in connection with this particular proposal. Conscription was devised first by Napoleon Bonaparte in Europe. Prior to his day, wars were fought by comparatively small professional armies. He was the first, it may be said, to have summoned or attempted to summon the manpower of the nation by compulsion to fight" . . . (p. 157): The Chairman (Andrew J. May): "I would like to ask you, with that prestige and influence throughout



the world, in what other way could we manifest our intention to maintain our influence other than through a system of universal military training?"

MR. WADSWORTH. "Well I know of none, Mr. Chairman, that would fit in and *conform with our democratic way of life in this country*—none other than *universal military training*. The inherent democracy of such a system is obvious; the inherent 'undemocracy', if I may coin that word, of a vast standing army is obvious. It does not suffice, Mr. Chairman, in this world of ours, in fact it has never sufficed, to hang a motto on the wall saying 'Let us have peace'. That does not suffice."

DR. KARL T. COMPTON, PRESIDENT (+)  
M. I. T., CAMBRIDGE, MASS.

(Page 207) . . . (p. 217): (A pamphlet submitted for the record by Dr. Compton is as follows:) "National Security. Supported by I. Scientific Research; II. Universal Military Training" by Karl T. Compton, president, Massachusetts Institute of Technology . . . (p. 219): II. National Security and Universal Military Training . . . (p. 220): "*In a democratic country every citizen should participate in national-security measure*. I think reflection will show this to be the sounder policy.

"A citizens army has always been preferred in the United States to a large professional army . . ."

LT. GEN. WILLIAM S. KNUDSEN, (+)  
DETROIT, MICH.

(Page 284): MR. CLASON. "What would (—)  
you say to the Archbishop's (Archbishop (—)  
Richard J. Cushing, of Boston) further  
proposition, that: 'If we adopt it, we will not  
be the first nation to have done so. Whenever  
permanent conscription has been tried by any major  
nation, it has a bad history. Since first Napoleon  
used peacetime conscription'—and that is what this  
is—and Prussia followed his bad example, the  
system invariably led to dictatorship, to militarism,  
and to those competitive armaments which have been  
the curse of Europe and the crippling of its culture'.  
Do you think the archbishop is right in his judgement  
as to what has been the history of this type of  
legislation?"

General KNUDSEN. "You are not fighting Napoleon's war, or will not be, the next time. You are fighting an entirely different kind of a war." 4

MR. CLASON. "You may be, but do you feel the only way to do it is by peacetime conscription?"

General KNUDSEN. "Yes; I do. . . ." (p. 286): MR. CLASON: "I was also interested in a letter which I received from Harry Emerson (—)  
Fosdick, of the Riverside Church in New York. I presume all other members of the committee have received the same letter. In his letter he sets forth: '. . . the endeavor to *fasten universal compulsory military training* on the *liberty-loving* people of the United States.' Would you say Dr. Fosdick is right in his conclusion as to how he feels the American people regard this proposal?"

General KNUDSEN. "It does not mention at all the fact this country is great and needs protection. He has not covered that point. He just talks about prohibition and several other experiments; but he has not thought this through to see that protection is really needed."

MISS DOROTHY DETZER, NATIONAL (—)  
SECRETARY OF THE WOMEN'S INTER-  
NATIONAL LEAGUE

(Page 303): "*An entirely new system of compulsory military training, which is against the entire American tradition.*"

MR. PRICE (p. 305). "You say that this proposal is against the entire American tradition?"

MISS DETZER. "Yes."

MR. PRICE. "What do you base that on?"

MISS DETZER. "I mean that the United States has never in peace had compulsory military training in its past, and the country is filled with people now, some of our best people, who came over here to escape that very thing in Europe."

MR. PRICE. "Tradition is something handed down from generation to generation."

MISS DETZER. "That is what it means."

MR. PRICE. "George Washington suggested universal military training."

MISS DETZER. "That was a long time before the United Nations Organization *and besides we never had it.*"

MR. PRICE. "Thomas Jefferson suggested it."

MISS DETZER. "He also did it a long time ago. They also did not have airplanes in Thomas Jefferson's and George Washington's time, and I would suspect that Mr. Jefferson and Mr. Washington, should they be alive today, would be modern enough to deal with modern ideas in international affairs."



DONALD DU SHANE, SECRETARY, NATIONAL COMMISSION FOR THE DEFENSE OF DEMOCRACY THROUGH EDUCATION (—)

(Page 312): "Conscription is an *un-American institution* . . . we well may remember George Washington's statement: 'This greatest single threat to a republic is an overgrown military establishment' ". . .

(Page 315): The CHAIRMAN (Andrew J. May): "Mr. Du Shane, when you mentioned and quoted George Washington as being against a large military establishment as detrimental to democracy, you knew, of course, that he was talking about a standing army, did you not?"

Mr. DU SHANE. "I would assume that he had a standing army in mind."

The CHAIRMAN. "That is right."

Mr. DU SHANE. "Or what he had in mind, I would assume, was a military bloc or a dominant group of military-minded people in a democracy. I think that is possibly what he had in mind, developing from a standing army."

The CHAIRMAN. "Do you not recall that in the same statement he referred to the necessity for training a citizen army?"

Mr. DU SHANE. "A home guard. Undoubtedly he had in mind a sort of home guard locally trained group of citizens to meet conditions that existed then, which are entirely different from war conditions at the present time."

The CHAIRMAN. "What difference would there be in a home guard trained group at that time and the training of young men as proposed in this legislation at the present time if they are put back in the civilian reserve and never subject to military call until congress requires it under a declaration of war?"

Mr. DU SHANE. "In the first place, this bill provides for practically a million men under camp conditions and indoctrination conditions for a year, plus their inclusion in a reserve which will last for 10 years, so that you get a mass of men subject to military influence. . ."

(Page 316) Mr. BROOKS: "I would like to (+) ask you several questions, sir, the first of which is based upon what the chairman just referred to. You are familiar with the bill which was actually introduced in the First Congress, which had the endorsement of George Washington, on universal training?"

Mr. DU SHANE. "You mean the May bill?"

Mr. BROOKS. "No, sir; in the First Congress after the foundation of this Government."

Mr. DU SHANE. "I do not know that I am familiar with that."

Mr. BROOKS. "You do not know there had been a bill introduced which was supported by Washington, himself?"

Mr. DU SHANE. "I do not think it was a compulsory 1-year training bill."

Mr. BROOKS. "It was a universal training bill."

Mr. DU SHANE. "A militia bill. It did not interfere and it would not have interfered, with the daily pursuits of the individual. It would not have taken them away from home for a long period of time. It would have been entirely a different system from what is contemplated here."

Mr. BROOKS. "You are familiar with it then? You were in error when you said you were not?"

Mr. DU SHANE. "I am not familiar with the bill. I am familiar with the general idea. I am not an expert in that field, but I do not believe there was anything in mind such as is contemplated by this."

(EDITOR'S NOTE. The bill to create a national legion was communicated to the Senate by Washington on 21 Jan. 1790 and was *compulsory*; military service was to be required of citizens of the United States from 18 to 60; it was *universal* subject to exemptions; the "advanced corps" (18 to 20) was both to be *instructed* and in case of exigency to *serve* in defense, service therein was to be for 3 years with "discipline" of from 10 to 30 days successively in each year, and all the youths of the corps in each State were to be encamped together.)

DUNLAP C. CLARK, PRESIDENT, THE (+)  
AMERICAN NATIONAL BANK OF KAL-  
AMAZOO, KALAMAZOO, MICH., A DIRECTOR  
OF THE CHAMBER OF COMMERCE OF THE  
UNITED STATES AND CHAIRMAN OF ITS NA-  
TIONAL DEFENSE COMMITTEE

(Page 332): "Though a peace-loving nation, the United States has been engaged in seven major wars in the 170 years of our existence—on the average 1 each 24 years. In every one the United States has relied principally upon civilians, serving voluntarily or through conscription. This is the American way."

MISS ELIZABETH A. SMART, DIRECTOR (—)  
OF THE NATIONAL WOMAN'S CHRISTIAN  
TEMPERANCE UNION

(Page 356): "The thing I would like most forcefully to call to your attention is the danger of beginning

anything at all of this nature. You all realize that *it will be a complete reversal of all American ideas and the American way of life. . . .*"

PAUL E. ELICKER, EXECUTIVE SECRETARY AND MEMBER OF LEGISLATIVE COMMITTEE OF THE NATIONAL ASSOCIATION OF SECONDARY-SCHOOL PRINCIPALS (—)

(Page 376): "We the American people, must not again *depart from our American tradition* of peacetime living and hurriedly impose upon the American people, while still enthralled in a quasi-wartime period, a peacetime plan of training for all its able-bodied male youth."

DEAN VIRGINIA GILDERSLEEVE, BARNARD COLLEGE, N. Y. C. (+)

(Page 383): "In order to have a strong army we must apparently have either a large professional standing army or a pool of trained men provided by universal military training, on which Congress could quickly draw in time of need. The second plan seems to me to be more democratic."

CHARLES R. HOOK, PRESIDENT, THE AMERICAN ROLLING MILL CO., MIDDLETOWN, OHIO

(Page 386): "If we do (have to fight) let's be prepared. History proves that we have never been prepared before. In my opinion, we have always neglected to adequately insure the preservation of that ideal for which we have been forced to fight. *We have done too little because we have been deluded into the belief that to do enough would be a violation of the ideal itself.* We have gambled the very existence of *the American ideal* in our fears of peacetime training of a citizen defense force. *And the price of our fears has always been paid in lives.*"

J. HENRY SCATTERGOOD, PHILADELPHIA, PA., REPRESENTING THE FRIENDS' COMMITTEE ON NATIONAL LEGISLATION (—)

(Page 401): "The nonmilitary pattern of American life that has prevailed for 160 years of our history."

(Page 407): "Conscription is not the American way to educate youth for democratic citizenship and world responsibility."

CARL MCINTYRE, VICE PRESIDENT OF THE AMERICAN COUNCIL OF CHRISTIAN CHURCHES (+)

(Page 410): The American Council of Christian Churches therefore believes that one of the most vital and important steps that needs to be taken by the American people in order to maintain *this free system* in the present world situation is the *immediate inauguration of a system of universal military training*, as suggested by the President" . . .

(Page 411): "This policy would further protect us from the effect of the aggressive and disastrous pacifism which followed in the wake of World War I, and which at the present moment is again becoming vocal, having been forced, in order to maintain its self-respect, to go underground during the recent war. Such a policy contains the merit of being fair and democratic, just as selective service has been fair to all alike in our land."

RALPH McDONALD, REPRESENTING THE NATIONAL EDUCATION ASSOCIATION, WASHINGTON, D. C. (—)

(Page 421): ". . . Compulsory service in the Army when the Nation is at peace is not conducive to patriotism, morale, or the building of character." . . .

(Page 425): "The two great democracies *have always opposed compulsory military training in time of peace. Without military conscription* we have educated our citizens in the skills and abilities of a free people."

. . . (page 426): "It is compulsory military training in peacetime which makes people military minded and power minded . . . (page 427): France was the first nation to adopt the policy. It was in 1798, . . ."

. . . (page 433): Mr. SPARKMAN. ". . . Now, from a historical standpoint, do you believe that it was military training that created the militarism, or was not militarism there long before there was any military training?"

Mr. McDONALD. ". . . There was a small element, a minority, in each of those countries which became imbued with a desire to strengthen the nation in a military way . . . and then after they did that (foisted their leadership on the people) they adopted a program of compulsory military training" . . .

Mr. SPARKMAN (page 434). "Now, isn't it true that from the earliest known days militarism has been a



part of the spirit of the German people, long before there was anything known of military training?"

Mr. McDONALD. "No; I don't think so." . . .

Mr. SPARKMAN. "But military training was one of the things perhaps that grew out of that (militarization). It was not the cause of it."

Mr. McDONALD. "I think it was, so far as the masses of the people were concerned."

Mr. SPARKMAN. "I think that is where we differ, and I think that is the fallacy of your argument. I certainly give you every reason for sincerity in argument, but I think your premise is wrong."

H. S. BENDER, ASSISTANT SECRETARY, (—)  
MENNONITE CENTRAL COMMITTEE,  
GOSHEN, IND.

(Page 460): "The Mennonite Churches . . . established in this country since 1683 . . . They found complete freedom from Old World militarism in a country which since the time they first arrived *has never had peacetime conscription in any form except for the prewar year 1940-41.*"

MARTIN H. MILLER, NATIONAL LEGIS- (—)  
LATIVE REPRESENTATIVE, BROTHER-  
HOOD OF RAILROAD TRAINMEN

(Page 470): "This peacetime military conscription is foreign to the American concept of democratic liberty and individual freedom."

DR. ALLEN BATES, WESTINGHOUSE (—)  
ELECTRIC & MANUFACTURING CO.,  
PITTSBURGH, PA.

(Appearing by request of the Executive Council of the Churches of Christ of Pittsburgh and Allegheny County, of the Society of Friends of the same community, of the Unitarian Churches, and the Women's International League, of none of which he is a member.)

(Page 484): Mr. ARENDS. "Are you acquainted with the Martin resolution wherein Congressman Martin advocates complete abolishment of compulsory military training on the part of all Allied Nations and that the UNO direct their efforts to that end?"

Dr. BATES. "I am."

Mr. ARENDS. "I will ask that Mr. Martin's proposal be incorporated in the record."

(H. Res. 325, above referred to, is as follows:)

"RESOLUTION (—)

\* \* \* \* \*

Whereas compulsory military service . . . has been contrary to American tradition since the founding of our Republic; and . . ."

(Page 491): Mr. THOMAS. "Well, Mr. Chairman, I ask that the entire article (concerning U. S. Chamber of Commerce) be placed in the record at this point." . . . (The document above referred to is as follows:)

"U. S. Chamber Joins Backers of Peace Draft; Terms universal service good Business; Hooton wants women included . . . Dr. (+) Douglas Southall Freeman, author-historian and editor of the Richmond (Va.) News Leader, said that this Nation has five times gone through a cycle of disarmament and frenzied preparation for war costing 'unreckonable billions of dollars and hundreds of thousands of lives.'

"*'Compulsory military training* service, properly administered,' he declared, 'has proved to be the surest, *most democratic* and most economical system of essential national defense . . . Nothing more appalls the student of our wars than the sickening picture, again and again, of magnificent front-line troops . . . hurled into action before either they or their commanders had mastered that part of their essential lesson that could be learned prior to combat.'"

(Page 492): Mr. THOMAS. ". . . Why do you think that the large majority of veterans, World War I veterans and World War II veterans, are in favor of compulsory military training?"

Dr. BATES. ". . . None of them have known the devastating history of *peacetime conscription*, which is a permanent policy quite different from conscription for war, a policy which is insatiable, interminable, and oppressive and has shown itself to be in all history and all countries a political racket in large part. I think those Veterans of Foreign Wars and the members of the American Legion confuse temporary conscription for war, which I favor, with permanent peacetime conscription, which is a national policy without end"

(EDITOR'S NOTE: Here indeed omniscience arrives at presumption! Not to recur to the clarification by members of the House Military Affairs Committee in these hearings respecting the status of peacetime conscription abroad (as having caused neither the militarism in nor the defeat of the nations having it), we need but examine the chronicles of our own land, as herein displayed, to find refutation of the historical assertions of Dr. Bates. And as to his psychic



assertions concerning the knowledge and mental processes of veterans: it is on this very subject matter that that fraternity dwells. Even the benighted soul of the veteran must be capable of the eventual attainment of the old colored laundress who dwelt, day in and day out, as she ironed, on a piece of rather highbrow poetry, and finally understood it. When the veteran advocates peacetime training he knows he is not speaking of wartime training. He has arrived at the latter because he found the former inadequate. But he understands training as such, along with the unmilitaristic nature of his fellow Americans. And he knows (even though he does no better in citing chapter and verse than Dr. Bates) that many peoples since the dawn of history have practiced peacetime training by compulsion, and his insight into this does not ascribe militarism or defeats to its possession by them.)

DR. GOULD WICKEY, EXECUTIVE SECRETARY, NATIONAL COMMISSION ON CHRISTIAN HIGHER EDUCATION OF THE ASSOCIATION OF AMERICAN COLLEGES, WASHINGTON, D. C. (—)

Resolution of 10 January 1945 (p. 505): “. . . It is our conviction, on the basis of the testimony of history, which cannot be impeached, and on the basis of the nature of military training that a program of compulsory peacetime military training is essentially a method of preparing for war. . . . God forbid that our Nation within a year after the signing of peace treaties should embark on a program so contrary to its history and so pregnant with fear, suspicion, and hatred. . . .”

REV. CHARLES F. BOSS, JR., SECRETARY OF THE COMMISSION ON WORLD PEACE OF THE METHODIST CHURCH, OF CHICAGO, ILL. (—)

(Page 511): “To this end, therefore, we ought not to take, in our judgment, unilateral action so radical as to break *America's history-long precedent* as a stronghold of freedom and democracy, and as the sanctuary of refugees from the oppression of compulsory military training. . . . It seems illogical to argue, as some Government officials do, that if we break *American precedent* by adopting what we believe all nations should agree to reduce or abolish, we will be in a stronger position to bargain with Russia and others to unite with us in the universal abolition of conscription. It is not only illogical; it appears to be pure rationalization.” . . . (p. 513): “There is, gentlemen, an unsound principle frequently used in support of huge military establishments. It is that successful foreign

policy is that which has to be backed by great military and naval power. I want to cite the fact that if the 48 States or the colonies, to begin with, had insisted on this policy and this principle, where would the union, the United States, be today? If each State had insisted that its policy in dealing in Federal affairs had to be backed by State army action or some other type of military action, where would the United States be?”

(EDITOR'S NOTE. If the colonies had not raised and trained troops in peacetime how would their policy against British oppression have been implemented? As for their amalgamation into the union—this is no analogy—here they were going in for a common defense on amicable terms, they agreed to surrender some of their sovereignty, they agreed to give up their own foreign policy. This was no abrogation of power to support foreign policy but an augmentation of that power for that very reason. Yet it is significant that the 13 colonies insisted on retaining their own state troops)

(Page 515, Dr. Boss. (Dec. 7, 1945): . . .

I want to insert here action of the Council of Bishops of the Methodist Church, taken just 3 nights ago, directly aimed at this particular issue.” . . . “We believe that universal military conscription in times of peace is . . . (2) *a betrayal of our historic democratic tradition.*” (—)

(Page 516): Dr. Boss. Item No. 6: The association of Schools and Colleges of the Methodist Church, through its executive committee, on November 15, 1945, adopted the following resolution: “The total program for universal military training that has been requested threatens the continuation of our traditional program of higher education in the United States and *endangers the perpetuation of our democratic way of life.*” . . .

(Page 524): Mr. JOHNSON. “Did you ever go into the problem or a study of the question of the matter of voluntary military service, and if you did, did you find out, like I pointed out I found out, that it has been a total failure from the Revolutionary War down to the present time?” (+)

Dr. Boss. “I do not think I have any special answer to that question, sir”.

The CHAIRMAN. (Andrew J. May) “All right.”

Mr. JOHNSON. “You never went into it, did you?”

Dr. Boss. “I have studied a good deal of history. I don't know a great deal about it. But George Washington, I think some of you know, had a different statement concerning the worthiness of a cause for which people were willing to give themselves and to give their lives.”

The CHAIRMAN. "Do you have anything further, Mr. Johnson?"

Mr. JOHNSON. "George Washington recommended universal service, too, didn't he?"

Dr. BOSS. "If he did the nation didn't accept it; hasn't accepted it in 150 years."

(EDITOR'S NOTE. For an account of the politics of the time preventing acceptance of Washington's plan see Gen. Palmer's books "*Washington-Lincoln-Wilson—Three War Statesmen*" and "*General von Steuben*", supra).

EDWARD T. McCAFFERY, NATIONAL (—)  
COMMANDER, CATHOLIC WAR VET-  
ERANS

(Page 525): "Compulsory military training has long been tried by the nations of Europe and was always found to be wanting. Such a program is not compatible with the ideals and *traditions* of the American way of life."

(Page 527): "If we are to regiment our youth let us do so under the influence of American thought, American experience, American traditions, American ideals."

EUGENE MEYER, PUBLISHER OF THE (+)  
WASHINGTON POST, WASHINGTON,  
D. C.

(Page 546): Mr. CLASON. "This is to get the universal military training. What I am trying to ask you is whether or not you believe it to be necessary after May 15 to maintain the Selective Service Act or if you believe they will be able to get all the men they need for the regular army and navy by voluntary enlistment?"

Mr. MEYER. "Well, I don't know whether they would or not, and I don't even think, if they do, they should. *I think service is an obligation of citizenship.*"

BRIG. GEN. LUTHER D. MILLER, (—)  
CHIEF OF CHAPLAINS, U. S. ARMY

(Page 574): "Universal Military training is *something new in American life.*"

NATHAN E. COWAN, LEGISLATIVE (—)  
DIRECTOR, AND MEYER BERNSTEIN,  
DIRECTOR OF VETERANS' LEGISLATION,  
C. I. O.

Mr. COWAN (p. 596). "It (universal military training) may be Spartan and it may be simple but it certainly is *not American.*"

WILLIAM V. DAMRON, LEGISLATIVE (—)  
REPRESENTATIVE, INTERNATIONAL AS-  
SOCIATION OF MACHINISTS

(Page 603): ". . . We do not need to resort to undemocratic methods" . . .

(Page 604): "With the enactment into law of compulsory military training there would be no convincing point in attempting to maintain that our victory over the Axis Nations had resulted in the preservation of our traditional American freedom".

MAJ. GEN. WILLARD S. PAUL, A. C. (+)  
OF S, GI, W. D

(Page 633): "To my mind the proposed universal military training is democratic in the fullest sense of the word."

PVT. GEORGE L. MARK (—)

(Page 683): "America will find itself in peacetime more regimented, more controlled, more governed by bureaucracy, than even in the war just ended. Freedom after freedom will go—freedom of the press, freedom of speech, freedom of private property, freedom of religion—until there will be no freedoms left."

"There is nothing especially speculative about all this. *It is plainly written in the history of peacetime conscription.*"

(Page 684): "The voluntary way is the best way. The voluntary way is the democratic way."

(Page 686): "I am still convinced that the voluntary way is the best way if you offered the proper inducements."

(Page 687): Mr. DURHAM. "Where did you get the material you had in your statement?"

Private MARK. "I have done a lot of research. I went to the public library in New York."

Mr. DURHAM. "You got it all from newspapers?"

Private MARK. "Newspapers and public libraries."

Mr. DURHAM. "You did not actually see it, did you?"

Private MARK. "What would you refer to?"

Mr. DURHAM. "You mentioned the fact of dumping jeeps overboard."

Private MARK. "No, they are newspaper statements."

DURING PERIOD THAT VICE ADMIRAL LOUIS  
DENFIELD, CHIEF OF NAVAL PERSONNEL  
WAS A WITNESS

(Page 724): Mr. HOLIFIELD: ". . . but (—)



you are asking us now to start a compulsory type of military conscription which is *entirely different from our historic precedent*; you are asking us to embark upon a *completely new theory*, as far as democratic government in the United States is concerned within 4 months after the war. . . . ”

LT. MARTIN BUCKNER, FLINT, MICH. (+)

(Page 761): Lieutenant BUCKNER. “There have been some things in my life that lead me to believe that universal military training is a ‘must’ if we are to maintain the *American way of life* that we have so recently fought for.”

S. PERRY BROWN, CHAIRMAN, THE (+)  
AMERICAN LEGION NATIONAL COM-  
MITTEE ON NATIONAL DEFENSE

(P. 771): “But as a people, since the beginning of that Nation we have never understood the need for an armed force. We can begin with George Washington who begged us to find some plan that would give us a standing equal to that of the other nations of the world. We did not listen to him, and we have not listened to anyone since his time concerning this subject.”

Statement of S. Perry Brown, resumed:

(P. 789): Mr. SHAFER. “. . . the only question that remains in my mind is how are we going to get this *compulsory angle* out of it? Can that be done?”

Mr. BROWN. “Would you take *compulsion* out of taxes? Sir? Would you take *compulsion* out of the schools?”

Mr. SHAFER. “That is true; we cannot do it there, but can you do it here in any way? . . . there is resentment against that word ‘*compulsion*.’ How can we get away from it?”

Mr. BROWN. “. . . I do not know how to sweeten that word. We do not like it. We do not like *conscription*; we do not like *compulsion*, but, if it is necessary, let us look the matter in the face.”

Mr. THOMAS. “We did not take it out of Selective Service.”

Mr. SHAFER. “That was different; that was war-time legislation.”

Mr. THOMAS. “It was not when we started.”

Mr. SHAFER. “That is true but we knew it would be.”

Mr. BROWN. “I do not know the answer to that. I wish I did.”

Mr. SHAFER. “I am sure you have given this much thought, and I think if you could come to some con-

clusion in softening the thing, it would be a good thing for all.”

Mr. BROWN. “May I suggest this: Suppose you tried volunteering, who could volunteer? All men? Would all men pay taxes; would all youngsters go to school? No, sir.

“The fair way in a democracy is to make your responsibility rest equally, we think the people are ready to accept the word ‘*compulsion*’, if you want to give an honest answer to the people.

“*We began by that method*. We went to the cross-roads to develop this thought. The people are ready for it, sir, and they do not like it softened.”

1946

“In all the Thirteen Colonies laws of compulsion were passed in peacetime, a total of over seventy.”—LEWIS B. HERSHEY, *Major General, U. S. A., Lecture, Army Industrial College, April 18, 1946.* (+)

“The reluctance of the American public, which Congress reflects, to support a permanent peacetime draft system is understandable since compulsory military training would represent a sharp and undesirable break with American tradition”—HANSON W. BALDWIN, *N. Y. Times, p. 3, June 5, 1946.* (—)

“It is not our American tradition to have a peacetime drafted Army.”—CORNELIUS WICKERSHAM, *Maj. Gen., Com’d’g 1st. Div., N. Y. N. G., address, 25th Massing of the Colors, N. Y. C., Oct. 6, 1946, N. Y. Times, Oct. 7, 1946* (—)

So far as determined there was no recognition accorded to that primary ancient tradition of the English Speaking Peoples (the enforcement by law of citizen military training and service for the State in peacetime and war) in the three day conference at Kenyon College, Ohio, on “The Heritage of the English Speaking Peoples and Their Responsibility”, reported closing on October 6, 1946. (O)

1947

“*Compulsory military service* has long been customary in many European states and elsewhere, but *has been contrary to American tradition since the founding of our Republic*.”—GERALD W. LANDIS, *Member of Congress from Indiana, Washington, D. C., January 27, 1947*—N. Y. Times. (—)



## APPENDIX IV

# Pertinent Statements of Recent Date

One who concentrates on a subject may become selective and recognize those statements that "go deep", or that have particular significance as historical milestones. He may encounter them in divers forms which do not classify easily but should be preserved. Otherwise they would lie immolated in the literature of the hearings, debates and special writings. Those here collected are of this nature. The only thing they have in common is that they concern universal military training.

"Selective Service was undoubtedly one of the outstanding developments of America's military power in the World War (I). For the first time in our history a plan was devised which insured a satisfactory recruitment system. Our military chiefs were freed of the anxiety of securing the needed manpower and they had but to think of training and operations. It is today the accepted solution of a problem as old as our country. This plan, or some modification of it, will always be thought of in conjunction with a major effort"—Report of Joint Army and Navy Selective Service Committee in Memorandum to the Chief of Staff, U. S. Army, dated March 25, 1931 (Col. H. C. Kramer, Spec. Res; E. W. Burrough, Lt. Comdr. U. S. Navy; H. E. Stephenson, Lt. Col. Spec. Res; R. F. Cox, Major, G. S. (Recorder); Walter N. Hill, Lt. Col., U. S. M. C.; W. S. Fulton, Lt. Col., G. S. (Chairman).)

It is significant that "our wars have been expensive" yet that in our "peacetime military appropriations we have been penurious". These are the conclusions of Eber Jeffery of the public schools of the District of Columbia which he amply and clearly enforces with statistical tables and charts in Federal Expenditures for the Armed Forces, 1799-1943 in Social Education, vol. VIII, No. 3, for March 1944.

An unnamed Russian radio commentator is reported, on October 13, 1946, to have interpreted Premier Stalin's last statement regarding the talk

about a new war. He said that, up to World War II, the United States had made military disbursements to a total of \$24 billion in the 150 years since George Washington first became President (not counting those made during the Civil War and World War I) in contrast to \$16 billion requested for the fiscal year 1947 alone. He wishes, of course, to make out that the latter figure is disproportionately menacing, oblivious not only to today's compulsions thereto, but to the niggardliness of the former figure of our Peacetime yesterdays.

Paul Schubert said (May 1944) in his column Universal Service—Combat Potential. "Three years after that militant act, 'lend-lease', the huge and powerful United States is at long last ready to strike an offensive blow for victory.

"It is four years and a half since Hitler plunged Europe into war—more than 10 years since Germany began active preparation for Hitler's war. All through the 30's, the world prepared for war—most of the world, except the United States. In the Far East the guns barked as Japan led off with the invasion of Manchuria, and it wasn't long before the American Panay went down, first of our ship losses in the war with Japan. In Africa the guns barked as Italy invaded Abyssinia.

"In September 1939, the U. S. Navy had a total strength of 126,418 officers and men! As for the Army it was nonexistent as a military force in that month when the world went to war—the name "Army" was borne by a skeleton framework of professional and reserve officers, and a tiny poorly equipped 'combat' force broken up into widely scattered fragments.

"Once More this Nation survives because other people have stood between us and the enemy—have held off the enemy long enough for us to mobilize, equip, train and deploy an Army and a Navy commensurate with our true military strength.

"At last, in 1944, we take the field offensively.

"Looking back over this period of preparation, we ask the question, 'Would the situation have been changed, if this country had had universal military service?'"

"One thing is certain. This war was entered upon by the Germans and the Japanese alike, in the belief that America would not and could not be a factor—that the Axis would have won before our potential strength could be converted into real strength.

"There, in the factor of time, is the sole argument for the peacetime draft.

"Universal military training does not in itself give a nation an army or make a nation strong. In the first place, such training is 'universal' only in the sense that every young man must report for training. In actual practice, the number taken is cut down by physical and educational exemptions. The peacetime army under training is only a fraction the size of the fully mobilized wartime army, and the very fact that the peacetime army is under training is evidence of its incapacity as a combat force.

"What universal training does is automatically to create a considerable permanent officers corps plus a large number of permanent noncommissioned officers, plus a reserve officers corps, which has had one to two years of active service, plus a huge pool of reserve noncoms.

"As a result, when mobilization is necessary, the time lag before the Nation is at full military potential, can be cut down from the present three to four years, to a much shorter period—perhaps less than one year. What a difference that would have made in this war! Some day it may preserve the United States from defeat and extinction."

"I believe that the soundest decisions are likely to be made in time of stress when we are keyed up to the determination to deliver the best that is in us for a good cause."—KARL T. COMPTON, *President M. I. T.*, *House Select Committee Hearings, June 1945.*

"... No longer is there time to prepare after the storm clouds gather and after the lightning begins to flash. Unless you provide your first line forces with a reserve trained in advance, you will never again have time to prepare. The timing of the preparation in modern warfare is vital... Russia was saved by it (conscription)... France... fell in spite of it... Germany didn't give a tinker whether conscription existed in France or not... Conscription did not

enter into it... It has no causal relation to defeat—it is a shibboleth... that contention (involuntary servitude) has been thrown out of the window so often by the courts that really it can't climb up again... until another generation has passed and the United Nations agreement has been tested, let us be very careful to be adequately strong... unless... establishing the necessary reserves for your front line troops, never again will you have time to prepare; the storm will have burst... whether we adopt the policy of extreme isolationism or we adopt a policy of extreme internationalism, in neither field can we play our part or be respected in the playing of that part unless we have adequate defense... history shows that those great nations that do not fulfill their moral obligations do not survive."—ARCHIBALD G. THACHER, *Lawyer, N. Y. C.*, *House Select Committee Hearings, June 1945.*

"The proponents of universal military training tend to avoid the words 'compulsory', 'service', and 'conscription', whereas those who oppose it stress these words. The purpose in both instances is to evoke certain emotional responses. The distinction between the concept of military training and the concept of military service in this instance is, I believe a distinction without a difference. If there is a basis for the distinction, it is one only of degree, namely, the length of time the young men of the country should be required to be enrolled in the armed forces of the country... ."—DR. RALPH E. HUMSTEAD, *House Select Committee Hearings, June 1945.*

(EDITOR'S NOTE: But, in answer to last excerpt above, see the one following.)

"We are proposing training not conscription. These two words are not synonymous as some opponents of this legislation appear to believe. Conscription is compulsory military service... our proposal is radically different. Under it, men would, in time of peace, be trained by the armed services but would not be called upon for service."—VICE-ADMIRAL RANDALL JACOBS, *U. S. Navy, Chief of Personnel.*

"It is machines with men... It is not aviation versus ground forces... It is aviation with ground forces and ground forces with aviation... ."—BRIG. GEN. HENRY I. REILLY, *House Select Committee Hearings, June 1945.*

"If in this spirit I were asked what lesson, above all others, the examination of American military history makes clear, I would say it is, in my opinion, this:



The old cycle of disarmament, negligence, and frenzied preparation for war has cost our Nation unreckonable billions of dollars and hundreds of thousands of lives; compulsory military service, properly administered, has been proved to be the surest, most democratic and most economical system of essential national defense.”—DOUGLAS S. FREEMAN, *Editor, Richmond (Va.) News Leader, House Select Committee Hearings, June 1945.*

“If we in opulence, inertia, and self righteousness withhold from preparedness for a possible World War III, we will invite it . . . The circumstances of modern life demand elimination of any time lag as a factor in preparedness.”—ERNEST M. HOPKINS, *President, Dartmouth College, Dartmouth Alumni Magazine. 37 No. 9:15 June 1945. Reprinted from the New York Times p. 8 E May 6, 1945 (Reprint, The Reference Shelf, Vol. 18 No. 4 p. 149).*

Ernest H. Wilkins, president, Oberlin College, in an article that was one of a symposium of four in American Association of Collegiate Registrars. *Journal 20: 186-92. January 1945, (as reprinted in Peacetime Conscription, compiled by Julia E. Johnsen, Vol. 18, No. 4. The Reference Shelf, Aug. 22, 1945).* says: “The complete defeat of Germany in the present war will not suffice to convince her that she cannot conquer Europe and the world. It will convince her only that she cannot achieve such conquest *by means used hitherto*. She may be expected to attempt to develop other and unprecedented means of conquest. . . .”

(EDITOR'S NOTE.—This argument for the possibility of another war and the need to prepare in every way is enforced by (1) the advent of the atomic bomb, (2) the considerable opinion that it cannot lie indefinitely in the hands of its present possessors, (3) the probability that policing in former enemy countries will not persist indefinitely, nor intelligence of the activities within any and all countries always be adequate so that its use be prevented (4) the testimony Mr. Hanson Baldwin has recently gathered (N. Y. Times, Sept. 23, 1945) of the unchastened temper of the German people which finds its counterpart in the Japanese unconsciousness of conquest.)

In urging enactment of a law to compel “every male citizen of the United States and every male residing therein” to be subject to military and naval training, a resolution by the Veterans of Foreign Wars stated on October 4th, 1945 at Chicago:

“The experience of our Government has been that peacetime training on a voluntary basis does not

adequately or efficiently provide the necessary trained and equipped personnel to meet a sudden need for national defense.”

General Eisenhower, as reported on October 8, 1945, in the New York Times, urged an adequate national defense program for the United States, asserting this country should have a respectable position in the matter of military readiness so that it may be free of the fear of forceful domination imposed by sudden and unscrupulous attack. “Free institutions confer on each of us priceless privileges, but with an equal obligation to defend them,” he said. “To achieve this reasonable position in the modern world involves time for technical and physical training, and a definite drain upon the national purse. These expenditures are something that we cannot begrudge when we consider the alternative; but we must attain national military efficiency with the least possible diversion from productive pursuits of human energy and material resources.”

Mr. Bernard Baruch asserted on October 8, 1945, that this is not the time for this country to disarm.

“There is no peace,” he said. “We dare not disarm yet.”

John J. McCloy, United States Assistant Secretary of War, in New York Times of October 9, 1945, is reported to have suggested October 8, 1945, that the problem of maintaining an American Army of Occupation in Europe might be met by sending overseas the youths who would receive one year's compulsory military training under a proposal now before Congress.

Mr. McCloy, then en route to Japan, told a press conference that such a program would also give green recruits valuable travel experience and would give some “dash and color” to their Army service.

On October 10th, 1945, the day that General Marshall's unprecedented report of September 1, 1945, was issued, including the chapter: “For the Common Defense,” in which universal military training in peacetime is recommended, Mr. Hanson Baldwin found it “plausible and often extremely convincing” but “not broad enough to carry complete conviction.” Mr. Baldwin says: “The whole argument for or against peacetime universal military training must be tied into these strategic concepts—as is not done in the report. . . .” Not only are the strategic



concepts implicit in the report but explicitly referred to in the chapter in question. Only they are global concepts and not Mr. Baldwin's concepts of a hemisphere defense based on "difficult ocean distances" controlled by *the Navy and Air Force*. He does prefix this control with an "if" and some of the precarious sea battles of World War II, the uncontrolled capacity of some Nations to build ships and airplanes today, and the threat of the atomic bomb makes this a big "If." So we cannot agree with him that "the case for universal military training (in defense of the country) and for a large peacetime army loses much of its force."

Mr. Baldwin admits that "there will still be need for ground armies, but not of the character or type to which we have been accustomed . . . emphasis should be on the quality of training and the amount of fire power . . . *rather than on numbers*." On this score let us hear Generals Marshall and Eisenhower. The former says: "The concept of universal military training is not founded, as some may believe, on the principle of a mass Army. The Army has been accused of rigidly holding to this doctrine in the face of modern developments. Nothing, I think, could be farther from the fact, as the record of the mobilization for this war demonstrates. Earlier in this report I explained how we had allocated manpower to exploit American technology. Out of our entire military mobilization of 14,000,000 men, the number of infantry troops was *less than 1,500,000 Army and Marine*." (Report of 1 September 1945, p. 12 S, New York Times, October 10, 1945.) In a letter from Gen. Dwight D. Eisenhower, Supreme Commander, Allied Expeditionary Force, read before the House Select Committee on Postwar Military Policy, June 15, 1945. (Hearings p. 487-88 (Reprint, The Reference Shelf Vol. 18 No. 4, p 35)) he says: "In spite of all technological advances, *numbers* (great strength in all arms, land, sea, and air) are vitally important in war . . . Fairness to the country and to the individual's chances of survival in war demand that each able-bodied citizen receive in time of peace a thorough grounding in technique, discipline, and understanding of the citizen's obligations in time of emergency". Of these two witnesses, in the best position to know, the latter, in contradistinction to Mr. Baldwin, relies on *numbers*, and the former states what those "*numbers*" were: less than 1½ million Infantry in World War II,—making clear that the "mass army" (which Mr. Baldwin implies has just become obsolete, and that, therefore, universal mili-

tary service is no longer necessary to it) did not exist then, nor is contemplated now, and that universal military service rests on no such principle.

Mr. Baldwin in "Atom Bomb Calls for Restudy of All Our Plans for Defense," condensed from New York Times in The Readers Digest for October 1945, says, somewhat inconsistently with his reliance on Navy in the foregoing: "*Giant warships, mass armies, peacetime conscription, and tremendous bomber fleets have lost some of their military meaning*. Advanced bases, too, have *less importance*; transoceanic missiles can by-pass them. Terrain barriers and seas have *smaller meaning*; the very basis of some of our strategic assumptions of the past must be challenged". Yes, as ever, all these things may lose some but not much of their importance. It is rather that the *new* will integrate with the *old* just as tanks were integrated with infantry, and the doughboy did not pass away. And so it has been with antiaircraft guns and airplanes, trench knives and bayonets, pack trains and horse cavalry. Even body armor has persisted in the ¾-inch thick "doron" which the Marine Corps reports as having made a fine showing. Later Mr. Baldwin veers back to reliance on Navy in his apparent agreement with "official thinking" on October 12th, in New York Times. In discussing the Naval Academy he says: "Its role in the Nation's life: Have the atomic bomb and the technological revolution in warfare outmoded the Naval Academy? The answer to this question plainly is: Not unless the Navy has been outmoded. Official thinking appears to agree that, at least in the foreseeable future, navies will continue to be important instruments of national power". And on October 25, 1945, New York Times, Mr. Baldwin also veers back to air power, headlined as one of "our three best defenses", though now he minimizes distance and geographical position as strategic assets of major importance.

Dorothy Thompson says in the Philadelphia Evening Bulletin of October 12th, 1945: "General Marshall calls for a permanent peacetime citizens army, and a great federal foundation for the promotion of scientific research. In the world as it is, he is right. Strength at any and every moment is the minimum safeguard. . . . The United States needs all that General Marshall recommends to make it highly advisable for nations in their own interests, to bring the San Francisco Charter into line with reality."

Already on record (September 29, 1945) in favor of

universal military training, Admiral Halsey was again reported by the New York Times on October 16, 1945, to have voiced the firm belief that "regardless of social position, race, or creed" every American should share "in making this country what it is to be."

Walter Lippmann, in New York Herald Tribune of October 25, 1945, sees military training as necessary to prevent a third World War and insure defense, because only thereby can one of the essentials, quick mobilization of essential trained manpower, be provided. He says: "No future aggressor will be deterred by remembering that eventually the United States can become a mighty military power. He will always expect to win before that miracle takes place, and in both of the World Wars of this century the aggressors came very near to doing just that."

The text of the address by General of the Army George C. Marshall, Chief of Staff of the United States Army, at The New York Herald Tribune Forum in the grand ballroom of the Hotel Waldorf-Astoria, Oct. 29, 1945, follows: (Extract) "We are still strong today but we won't be so a few months hence unless we take very positive and definite measures to give some degree of performance to the strength for which we have just spent so much of human life and money to develop.

"It is certain, however, that the Military Establishment cannot hope to insure the safety of the United States very much longer at the present rate of demobilization unless some permanent peacetime program is established and at an early date.

"For the moment, in a widespread emotional crisis of the American people, demobilization has become, in effect, disintegration, not only of the armed forces but apparently of all conception of world responsibility and what it demands of us. If we are to nourish the infant United Nations organization and thus establish some possibility of a future decent world order, definite measures must be taken immediately to determine at least the basic principles for our postwar military policy. I have never felt so certain of anything in my life.

"Just a few months ago the world was completely convinced of the strength and courage of the United States. Now they see us falling back into our familiar peacetime habits. They witness the tremendous enthusiasm with which we mount demobilization and reconversion, but they see as yet no concrete evidence that we are determined to hold what we have won—permanently. Are we already at this early date in-

viting that same international disrespect that prevailed before this war? Are we throwing away today what a million Americans died or were mutilated to achieve? Are we already shirking the responsibility of the victory?

"This business of dissipating the political benefits that a nation may derive from victory is in the American tradition. It is quite understandable in a nation that runs its own affairs, because there is no easy way to get big things done on this earth. The victory was hard won. It will require a great deal of effort and sacrifice to fulfill our responsibilities of that victory, to achieve the future we recently talked about so freely.

"We must somehow get it clear in our thinking that the fulfillment of our responsibilities is not some vague mumbo jumbo. It requires positive active effort and sacrifice, and above all it is a continuing process. We cannot do it in one step and then have done with it. Even if the United States now adopts a sound program in its relationships with the rest of the world, the program will be worthless unless we continue to support it year in and year out.

"In the current emotionalism of the hour we turn for relief from positive action to new theories, new discoveries—the supersonic rocket, of atomic power or explosion. If these remarkable products of our science are merely to turn us from action to inaction on one plea, one theory or another, they may well have a more tragic influence on the destiny of the United States than the most pessimistic fear they will have on civilization. I have been considering the military ramifications of atomic explosion for more than two years, since my job placed me in the middle of the grim race toward this scientific power. I think I have—if only because of my head-start—spent much more time than most Americans thinking about such bombs and what they will mean to military operations as well as to civilization at large.

"I cannot escape the conclusion that the possibilities of atomic explosion make it more imperative than ever before that the United States keep itself militarily strong and use this strength to promote cooperative world order.

"No one can foresee unerringly into the future but it is not hard to predict that supersonic atomic rockets will have a profound influence on any war that ever again has to be fought. But, rather than decrease the necessity for our preparation, both in manpower and material, this terrible new weapon will tremendously increase it. . . . If we would cheerfully expend 7 billion dollars in this manner as civilization crashed



down in Europe we should at the very least be willing to accept the expenditures in normal times that are necessary to the peace and the security of our homes and our freedom.

"In 1937 when the world was becoming a powder box, we spent but 1.6 percent of our national income for our military and naval establishment. In that year of clearly impending disaster the United States spent 5 billion or 7 percent of its income for the incidental pleasures I have referred to.

"As late as 1937 we might have convinced the Axis gangsters of the complete futility of their preparations by simply matching our "cigarette money"—using the term figuratively—with expenditures on our national security.

"Viewed in this light, it would seem that the tragedy of our unwillingness to maintain what Washington called a respectable military posture becomes monstrous.

"I sincerely believe that if we had given our security its proper attention the Axis nations would not have started the war."—(*New York Times*, October 30, 1945.)

Referring to President Truman's proposed military program General Wainwright said on October 29, 1945:

"I don't see how anyone can fail to give the most serious thought to the President's warning that this training may mean the difference between the survival and the destruction of this great nation.

"It is obviously essential that we mount guard over Germany and Japan until we are convinced that they have learned their lesson well. How long this will require is not for me to say. I hope we do not tire of the task until we are convinced that the poisons of nazism and Japism have been eliminated completely and forever.

"We must gear our Military Establishment to the cadence of the rocket and the atomic bomb," the General added. "We must organize scientific research and development so that we may keep abreast of, and use for our national defense, the newest findings in all scientific fields."

Before the House Military Affairs Committee, Seventy-ninth Congress, first session, hearings on universal military training in December 1945, Mr. Eugene Meyer, Publisher of the Washington Post, said:

(Page 540): "In my own personal judgment the opposition (to universal military training) is about the same kind and from the same sources that prevented our being earlier and better prepared for war when its inevitability was reasonably obvious to students of

the programs of world conquest developing before our very eyes both in Germany and in Japan."

(Page 543): "Still less can I understand the country trusting the people who, before the war continuously undermined the programs of training and preparedness, which undoubtedly encouraged dictators to attempt world conquest, and which certainly retarded our ability to defend ourselves and end the war more quickly".

(Page 550): Mr. ELSTON: "You said there was a lot of propaganda against this bill".

Mr. MEYER: "There certainly is".

Mr. ELSTON: "Where does it come from?"

Mr. MEYER: "Well, it comes from people who are pacifists, sincerely so. I am not accusing them of any malice against the safety of the country, or any conspiracy of an improper character, not in any way, shape, or form. There is a great deal of it among educational institutions, and leaders of education, and one of them, who is a pretty able one, said that the universities, colleges, are afraid their business is going to be hurt".

Secretary of War Patterson said before the Military Affairs Committee of the House, Seventy-ninth Congress, first session, in its hearings on November 8, 1945 on Universal Military Training:

(Page 13): "For myself, I do not have the slightest doubt, if the United States had been in a position of military strength in 1914, there would have been no World War I, and if we had been in that position in 1939 there would have been no World War II".

(Page 7): "Even if the disparity in cost were not so great, the idea of putting our sole reliance in a large standing army would have to be discarded because experience has demonstrated repeatedly the impossibility of raising such an army without recourse to compulsion".

(Page 36): "It (Selective Service) was the greatest recruiter the war ever had".

Chairman Tom Connally of the Senate Foreign Relations Committee, is reported to have declared on July 19, 1946, that the United States must:

"2. Unhesitatingly make available to the United Nations Security Council a full quota of troops, planes and ships necessary to maintain peace.

"3. Support a strong Army, Navy, and Air Force at home to protect our land and fulfill our obligations"

(Mr. Connally had just returned from the Big Four Foreign Ministers Conference at Paris where he acted as advisor to Secretary of State Byrnes.)



## APPENDIX V

# The Atomic Bomb

Hanson W. Baldwin in *The New Face of War* New York Times August 8, 1945, believes we cannot dispense with the solid basis of our victories (armies, navies, air forces) due to the advent of the atomic bomb, since its effects are as yet not fully known, and it has its limitations. Difficulty of manufacture precludes frequent use. Deep underground shelters may neutralize effects. It must be used in strategic areas of congestion where allies, neutrals, and friendly people are not numerous.

In *Science in Review*, New York Times August 26, 1945, Waldemar Kaempffert quotes Chancellor Hutchins of the University of Chicago as saying "Since you don't need a big army to operate an atomic bomb, I think that compulsory military training now becomes an irrelevant issue." Mr. Kaempffert remarks: "We are not so sure about that. The bomb can be dropped effectively only on certain targets . . . it may be necessary to locate important industries underground . . . Prof. William F. Ogburn, distinguished sociologist, was as pessimistic as we are about the abolition of war. In answer to Chancellor Hutchins, he declared: 'It's a thousand years off'".

Secretary of War Henry L. Stimson is reported to have said in his valedictory of September 20, 1945, "We do not yet know the full implications of the release of atomic energy in relation to future military strategy, but we do know that it is revolutionary. This will require the most careful study. *We must not make early and easy assumptions that the days of armies and navies are over.*

"We can be sure if war should come again, that it would be awful in its sudden intensity, and we must never again allow ourselves to be caught in a state of complete unreadiness. And we can be sure that *it will always be the duty of the citizens of these United States to share in providing for the country the power that we must have to carry out our responsibilities.*"

Admiral Chester W. Nimitz, discussing the future role of the Navy in view of the discovery of the atomic bomb, is reported to have said on September 21, 1945, at Pearl Harbor, that he could see no lessening of the importance of sea power in the make-up of the United States military forces.

"For many years to come," he said "any use of the atomic bomb is going to depend on planes, and planes depend on sea power securing and holding bases for them.

"I don't see how you can dispense with sea power. Wherever you launched bombs from, you would need ships to take atomic bomb supplies there. It is just another weapon and we still must rely on sea power."

On September 25, 1945, Maj. Gen. Leslie R. Groves, chief of the army's \$2,000,000,000 atom bomb project, is reported to have warned against the idea of the atom bomb as the sole weapon and instrument of war. He said neglect of military, naval, and air forces would be dangerous. If the method of delivery of the bomb, the airplane, were rendered inoperative because of interception, sabotage, or accident, the nation would be vulnerable to attack. "*We must have land, sea, and air forces to take care of this eventuality.*"

General Groves, in presenting a scroll to Columbia University, October 5, 1945, said the atomic bomb did not win the war against Japan.

"The war was won before it was used," he declared.

On October 5, 1945, in Washington before a joint session of the Congress, Admiral Nimitz said: "I point out to you the sad fact that we have never yet entered a war for which we were prepared. The science of warfare is constantly changing, but with the emphasis always on speed. In the name of all we Americans hold dear, I pray that such a war does not begin and end, to our disadvantage, before we can even begin to fight . . .

“ . . . But our great war is now over, and we all pray to God that it has truly been our last great war. The citizen members of our armed forces are now thinking mostly of returning to their homes and loved ones. Those of us who are professional naval and military men are also thinking, and working hard on the problem of maintaining our national security while still getting those men back to their homes in the shortest possible time. This is a right which those soldiers and sailors and marines have earned, and which they richly deserve . . .

“ . . . The atomic bomb did not win the war against Japan. The Japanese had, in fact, already sued for peace before the atomic age was announced to the world with the destruction of Hiroshima and before the Russian entry into the war . . .

“ . . . There have been statements that armies and navies are becoming obsolete, and that any possible future wars will be simple, if frightful, affairs of long-distance extermination carried on by remote control. Before risking our future by accepting these ideas at face value, let us examine the historical truth that, at least up to this time, there has never yet been a weapon against which man has been unable to devise a counterweapon or a defense . . . the introduction of atomic power has given new importance to sea power from the standpoint of our future welfare and safety. Our defense frontiers are no longer our own coastlines or the adjacent waters by which they are bounded. Today our frontiers are the entire world . . . if this country is ever attacked in the future . . . that attack will have to be launched at us across one or more of the great oceans of the world. Before it strikes effectively, that attack must travel on the surface of the sea, above the surface of the sea, or underneath the surface of the sea . . .

“ . . . With the lessons of a great war still fresh in our minds, every American today realizes that sea power is no longer confined to ships and men. It includes ships and planes and men and bases. It includes mighty amphibious armadas and powerful carrier striking forces. It includes guaranteed lines of communication and supply to any point upon the globe . . . you also have the right to say whether you will keep and preserve this sea power, or whether you will pat it on the back and let it die. Because we are not a warlike people, we will face a strong temptation to do the latter. I pray that we will not take the easiest way; that we pledge ourselves to remain strong in order that we may continue to live as free men . . .

“ . . . Because we are a peaceful people we can say in all honesty that, if our neighbor nations wait for us to start it, there will never be another war. Yet we cannot afford to pawn our future merely on the basis of our good intentions. That is not good enough security. It is not good common sense.”

Fear of the atomic bomb will not prevent future wars, Sir Stafford Cripps, President of the Board of Trade, said on October 7, 1945, in a speech at Bristol.

Sir Stafford maintained that, with the passage of time, fear would grow less powerful until its influence would fade out altogether.

“That was the lesson of the previous war,” he said. “We shall be building our house of peace on the most shifting of sands if we use fear as its foundations.”

Fear should be replaced by a more powerful and lasting force of compulsion, he said. He challenged Christians to apply the principles of Christianity to daily life as the only hope for a new world.

On October 9th, 1945, as reported by International News Service, in the Washington, D. C. Times-Herald, the House Military Affairs Committee received testimony on the atomic bomb. Maj. Gen. Leslie R. Groves, head of the Government's atom bomb project said: “We must not forget this, however, this is a secret that cannot be held. It's only a question of time. The worst thing that could be done would be to rely only on this weapon, and say that with it we can't be defeated. *It's not a substitute for an army and navy.* It's a very strong weapon, but someone may discover something to stop it.” He reported that the United States is already working on a defense against it.

Dr. Edward Steidle, Dean of School of Mineral Industries, Pennsylvania State College, foresees a definite limit to the sources of atomic power (uranium, etc.).

Gen. George C. Kenney, Commander of the Far East Air Force, as reported from Honolulu on October 9th, termed the atom bomb “just another bomb” and said “there will be others that will make it in comparison as small as a fragmentation bomb.” He urged *retention of a strong and well-balanced air arm to insure peace in the Pacific.* “The airplane is an excellent weapon to maintain peace. We'll want everything from fighter-bombers to B-29's.”



On the atomic bomb three headlines and certain inclusions all on one page (4) of the New York Times for October 22, 1945, form a significant conjunction. In column 2 the National Planning Association reports that the bomb is an instrument of air power, not a substitute for it. In column 4 Mr. Hanson Baldwin ably considers that it has given us no (political) advantage so far. In column 5 Prof. Harold C. Urey of Columbia University urges that it be banned.

Mr. Eugene Meyer, Publisher Washington Post, in Hearings, House Committee Military Affairs, Seventy-eighth Congress, First Session, Universal Military Training, said (p. 541): "The fact the atomic bomb has come upon us is not a reason for not having military training. It is an additional reason for military training, because it, again, shortens the time element for preparation".

Fleet Admiral E. J. King, Chief of Naval Operations, in Hearings Military Affairs Committee, Seventy-ninth Congress, First Session, November 16, 1945, Universal Military Training, said (p. 89): "The proposition that new weapons have made either the Navy or large numbers of trained men (un) necessary I regard as fallacious—and dangerous to the safety of the United States".

The Honorable Robert P. Patterson, Secretary of War, in Hearings, House Committee on Military Affairs, Seventy-ninth Congress, First Session, November 8, 1945 said (p. 4): "Many Americans awed by the tremendous capabilities of atomic energy, have convinced themselves that all we need in a future crisis are a supply of atomic bombs and a comparative handful of trained men to push the buttons that will set off the bombs.

"I know of no responsible military authority who shares that belief. On the contrary, all are agreed that the bomb's capacity for destruction and the suddenness with which it can strike enormously increase the need for maintaining in every section of the United States trained citizen soldiers capable of swift mobilization in the event of an atomic or airborne attack."

(Page 5): "I can speak with some knowledge of my own of the project that resulted in the delivery of the atomic bomb. I played a part, though a minor part, in the development of the atomic bomb from the outset and I have devoted a good deal of my time to that matter over the last few months."

Gen. Jacob L. Devers, Commanding General, Army Ground Forces, as reported in the New York Daily News for July 17, 1946, *Sees the Infantry Still Queen of Battles*. Despite the atom bomb and weapons yet to be blueprinted in military laboratories, the next war will find the doughboy "doing it again on his own two feet," he is reported to have declared. "I hope there will not be another war, but if it comes, bases will have to be occupied and destroyed with great speed. It will be up to the infantryman again." The General, addressing a Sales Executive club luncheon at the Hotel Roosevelt, urged universal conscription and maintenance of a large, strong army. "If we keep our prestige we won't have another war. We must be strong to go about our task of keeping peace in the World."

And on July 19, 1946, he said, "Two world wars have been lost by the forces of lust and greed because the United States was given time to gather strength and resources to turn the tide. But we will not have that advantage in any future war. It is far better to ask of American youth merely that it devote a year to the service of the Nation between graduation from high school and going to college or embarking on a career. I know that American youth itself would most certainly vote for this. There is no defense against attack by long-range rockets, which would in all probability herald a future war. But there is a powerful deterrent in the swift sure retribution at the hands of our Army's ground forces, infantry, armored cavalry and artillery. Such a war would end, as all wars end, when our infantryman, on his own feet, captures or destroys the enemy and occupies his lands." He called for a firm policy on national security, "one to which we know we shall adhere—and we must let the world know that we will adhere to it."

On August 16, 1946, in the New York Times, Hanson W. Baldwin stated: "The stockpile and production rate of atomic bombs—present and projected—are major factors in assessing the potential of atomic warfare, the Bikini atom bomb tests showed . . . one or two or four or five atom bombs of the present Nagasaki type cannot wipe out a fleet or all of its bases, cannot eliminate the major cities of a large country like the United States or the Soviet Union and cannot destroy the industries of those countries. . . . It is clear, therefore, that a large nation like the United States or the Soviet Union reasonably well prepared for atomic war—that is with its cities ready for partial evacuation, its in-



dustries and its military installations rather well dispersed and with atomic bombs of its own—cannot be conquered by a few atomic bombs unless its nerves fail. A few atomic bombs of the present type, Bikini showed, will certainly not destroy a large nation's capacity to resist, and probably will not destroy its will to resist. Since this is true and numbers are still important in war, the numbers of atomic bombs on hand and the numbers being produced as well as the quantity of uranium and thorium available is of major importance . . . The atomic bomb has not made all those (military) institutions obsolete today . . .”

On September 12, 1946, Marshal Viscount Montgomery, Chief of the British Imperial General Staff, when asked about the atomic bomb, is reported to have replied: “There is no evidence yet to show that battles on land, as we understand them, will not take place.” (*New York Times*)

Senator Warren R. Austin, Delegate to the United Nations Security Council from the United States said on September 16, 1946, at Burlington, Vt.: “We must restore a well trained military organization. Other nations are looking to see how many divisions are behind us during current negotiations. In all negotiations the only power now recognized is military . . .” (*New York Times*)

At the sixty-eighth annual conference of the National Guard Association at Buffalo, N. Y., on September 18, 1946, Maj. Gen. Lewis B. Hershey, Director of Selective Service, said: “I believe those familiar with the problem agree that some form of universal military training is necessary to provide the basic training . . . we must take measures immediately to build our post-war military establishment to a condition where it will insure confidence in us and secure respect from the nations of this world . . .” (*New York Times*)

On September 23, 1946, the *New York Times* reported that the new Secretary of Commerce, W. Averill Harriman, had said: “There will be no war

if we as a country remain strong, physically and spiritually. By physical strength I am speaking not only of the maintenance of an adequate military establishment, important as that is . . .”

At the 1946 National Convention of the American Legion at San Francisco, Calif., Admiral Chester W. Nimitz and Gen. Carl A. Spaatz, Chief of the Army Air Forces, both recommended keeping the nation's armed forces strong. (*New York Times*, October 1, 1946.)

In his replies to written questions reported, as of September 24, 1946, to have been made by Premier Stalin, at Moscow, he said: “Atomic bombs . . . cannot decide the outcome of war since atomic bombs are by no means sufficient for this purpose.” (*New York Times*.)

(EDITOR'S NOTE: If the United States bombed all the principal Russian centers in the “war to prevent war,” with which former Secretary of Commerce Henry A. Wallace so absurdly charges the military, then it would not be a question, as he sees it, of atom bombing all of Western Europe where Russian forces stand, but of again invading the continent with ground forces.)

Depth of appreciation, perception, and perspective thinking, for which Mr. Walter Lippmann is esteemed, serves him well, even in this reputedly “common sense” military field. If he is not alone in being sound among its special writers, he has at least made the best attempt to make the American people realize that: “Atomic rockets have not superseded and cannot supersede an orthodox Army and Navy.” (“*Why We Are Disarming Ourselves*,” article, page 28, *Redbook Magazine*, September 1946.)

Development of new weapons, adding to the complexity of warfare, will not affect “the role of the basic fundamental military factors as we now know them” said Fleet Admiral Ernest J. King in a Navy Day address, at San Francisco on October 24, 1946. “Any statement that our present military forces will be scrapped in the next ten years can be said to stem from a series of ‘Buck Rogers’, or pseudo-scientific predictions.”









355.22

U 5342

no. 1

v. 2

pt. 1

217286

MASTER BOOK CARD

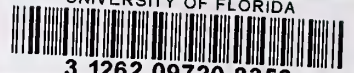
UNIVERSITY OF  
FLORIDA LIBRARIES

PLEASE KEEP CARD IN  
THIS POCKET AT ALL TIMES.

IT SHOULD BE REMOVED ONLY  
WHEN THE BOOK IS BEING  
CHARGED OUT TO A BORROWER

ICIR

UNIVERSITY OF FLORIDA



3 1262 09720 8358